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**EQUALITY IN THE
FRAMEWORK OF JUSTICE**

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ABSTRACT

This thesis assesses the relation between equality and justice by exploring and identifying the relation between equality and justice in Rawls's theory of justice, Sandel's communitarian account of Justice and Sen's capability approach. And these accounts of justice are evaluated from an egalitarian point of view. The main argument defended in the thesis is that justice requires equality. Accordingly, these three accounts of justice are evaluated by taking their understanding of equality into consideration. Egalitarian evaluation of these accounts of justice reveals that all three of them fall short in accordance with the relation between equality and justice in their understanding of justice.

Keywords: Capabilities, distributive justice, egalitarianism, equality, fairness, inequality, justice, social justice, virtues

DECLARATION

I hereby declare that this thesis is my own work, based on the sources and literature listed in the appended bibliography. I declare that this thesis was not used to obtain another university degree. The thesis as submitted is 166.007 keystrokes long (including spaces), i.e. 81 manuscript pages.

Name, Surname

Signature

Date

Kübra Aşık

02.01.2015, Prague

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MASTER THESIS PROPOSAL



Master Thesis Proposal

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Proposed Topic:

Equality in the contemporary theories of justice

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Topic Characteristics:

The main claim defended in the thesis will be that justice requires equality. In elaborating and arguing for this claim, I will consider and critically engage with the relevant contemporary theories of justice, most notably John Rawls's theory of justice as fairness and the egalitarian theory of G. A. Cohen. My main critique will be directed against John Rawls's theory of justice which includes two principles of justice. The first one is about the equality of basic rights and liberties. The second one that I intend to focus on in greater detail is the so called "difference principle". I think that the principle can be taken to justify inequality by offering a new way of distribution or regulation of wealth and income. In other words, in the context of the Rawlsian theory of just society equality comes from/by inequality. However the point is that since it may be argued that human beings are by nature self-seeking / self-interested / individualistic / utilitarian creatures, therefore in the context of a liberal society rational choices of human beings would not let them redistribute their wealth or income in the way Rawls envisage. Therefore, Rawls's two principles of justice would not meet the requirements of a just society.

Working hypotheses:

1. "Difference principle" justifies inequality by offering new way of distribution or regulation of wealth and income.
2. Rawls's two principles of justice do not meet the requirements of a just society.
3. The first and the foremost requirement of justice is equality from an egalitarian point of view.
4. Justice requires greater equality than Rawls's liberal-egalitarian state can deliver.

Methodology:

The conceptual and the theoretical framework of my thesis will be based on the qualitative investigation. Concerning the contemporary theories of justice and the concept of justice and equality, I am going to employ the qualitative literature review and scholarly research as the methodology. Literature will be reviewed initially thorough the relevant contemporary

theories of justice, and focus will be especially on John Rawls's theory of justice as fairness and the egalitarian theory of G. A. Cohen. Further readings on contemporary theories of justice will be the secondary and viewed as the different perspectives to search the role of equality in the theories themselves.

Outline:

1. Introduction
2. Theoretical background and the definition of the concept of justice
 - a. the review of the literature on the contemporary theories of justice
3. John Rawls's theory of justice as fairness as a contemporary theory of justice
 - a. Original position
 - b. Two principles of justice
4. "The Difference Principle" and the Concept of Equality
 - a. Veil of Ignorance
 - b. The Concept of Equality
5. Egalitarian/communitarian theories of justice
 - a. Amartya Sen, the Idea of Justice
 - b. Michael Sandel, Theory of Justice
 - c. Martha Nussbaum, Theory of Justice
6. G.A. Cohen's Egalitarian Theory of Justice
7. Conclusions
8. References / Bibliography

References / Bibliography:

Cohen, [G. A.](#) (2011). On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy. [Princeton University Press](#): New Jersey/US.

Cohen, [G. A.](#) (2008). Rescuing Justice and Equality. Harvard University Press: Massachusetts.

[Nagel](#), T. (1995). Equality and Partiality. [Oxford University Press](#): New York.

[Nussbaum](#), M.C. (2007). Frontiers of Justice. Harvard University Press: Cambridge, Massachusetts.

Rawls, J. (1999). A Theory of Justice. Harvard University Press: Massachusetts.

Rawls, J. (2001). Justice as Fairness: A Restatement. Harvard University Press: Massachusetts.

[Sandel](#), M.J. (2010). Liberalism and the Limits of Justice. 2nd Revised edition. Cambridge University Press: Cambridge.

Sandel, M.J. (2009). Justice: What is the Right Thing to Do? Farrar, Straus and Giroux: New York

Sen, K.A. (2010). The Idea of Justice. [Penguin Books Ltd](#): London.

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INTRODUCTION

The ever-widening gap between rich and poor which characterizes the current era of global capitalism draws attention to the questions of justice and equality. Over the last few decades the forces of capitalism transformed society and lives of its members into a market version of life and society. The market not only has transformed the society and the way of life, it also has started to dominate the society by guiding the behaviours of individuals no matter which culture they belong to, which religion they believe, or in which social and economic conditions they live in.

The prime mover of the market in the society is the consumption logic that is generalized under any circumstances. “Everything” including basic needs of any human being has redefined, reshaped and reproduced both materially and ideally, and served by this logic over and over again. In other words, the manipulation of the functions and the features of the goods have manipulated the needs of the human beings by resulting a total mobilization of the behaviour of individuals in a society within generalized manners that are manipulated in terms of profit (Baudrillard, 2008). According to Baudrillard (2008), this phenomenon is called *contemporary alienation*, that is to say, the behaviours and the way of life of individuals are fit into the generalized pattern of individual and social life governed by commodity logic.

Commodity logic is not only responsible for the commoditization of things and values by attributing them meanings, symbols and signs, but also commoditize the idea of consumption itself by redefining it as the mean of happiness and welfare. Marketing professionals set perfect image of how to be happy by consuming freely, even if there is no one way to be happy for every individual. Furthermore, these images presented by marketing professionals represent the freedom of choice of the consumers. The freedom of choice and

the happiness become the main reason of the consumption as the most significant illusion that does not entertain individuals, which manipulate and mobilize the consumers by transforming human beings from one role to another; from the individual to the consumer.

Thus, the loss of the aura of the arts, the knowledge, the emotions, the values and the things is inevitable, and alienated human beings start to live in a world manipulated by generalized manners of life based on commodity logic. In such an atmosphere, they are free to consume and free to choose what to consume that brings prosperity with happiness. However, one has to pay for this prosperity and happiness. The price is that individuals do not have enough time to think about life and other people, to enjoy the life itself, and spend little time to create their own dispositions towards the issues that created the whole knowledge that regulates the market society today.

Even if justice is one of the terms that are preferred to be ignored or to be failed to notice by the consumers of any society, the deepening gap between poor and rich draws attention towards the concept of justice. The question “what is justice?” is itself has a vague meaning or understanding by people, scholars and politicians. That is when someone asks the question “Is it just/fair?” anyone can answer the question in one way or another without any hesitation, yes / no; and he or she can add some additional ideas to make him or herself clear. However, this intuitive and quick tendency of answering this question gives its place to the silence for seconds, when the question “what is justice?” is asked. In other words, the idea of justice has an intuitive place in people’s minds to judge what just is or not, without any clear definition of what the justice is.

Therefore, it can be said that justice has become an important issue in the consumer society which has a strong correlation with the poverty in the prosperity. In other words, the promised prosperity or welfare and happiness to all of the members of the consumer society

were not delivered to everyone. Thus, the partiality of the welfare and the happiness, inequalities in the society arouse the problem of justice that does not have a unique meaning for all. Inequalities in the current consumer societies do not help people to be better off all together. For someone to be better off, some others should be worse off as a preliminary requirement of the economic efficiency that is called as Pareto Efficiency or Pareto Optimality¹.

In other words, to make someone better off some others should keep stay worse off. Since consumption requires the production; worse offs should work, should produce more to make consumers better off, first; and then, make them consume more. The problem arises here. The interdependence between consumption and production paves the way for inequalities in the society. Production is necessary for the survival of human beings in order to meet their needs and well-being or welfare of human beings is related to their ability to pay for the goods and the services produced. Thus, as the consumption of those goods, production of them is equally necessary and important. However, the ability to pay for those goods is not equal for all. While some people consume those goods without participating to the production of them, some other people who produce those goods cannot afford them.

However, it is required to notice that the problem is not the problem of who consumes how much. Instead, it is the problem of inequalities results from unequal distribution of goods in any society. In the most general sense, the problem is the problem of justice. In this thesis, the possibility of the justice emerges where inequalities are removed. That is to say, justice

¹ Pareto Efficiency / Optimality is a concept created by Vilfredo Pareto used in the studies of economic efficiency and income distribution. Pareto optimality is the ideal efficient outcome of markets. An economic situation of production or distribution or both is Pareto optimal when it is not possible to make at least one person better off without making one or more persons worse off (Ulbrich, 2011, p. 6).

has a strong link with equality that the equality is an inseparable part of justice. Thus, justice requires equality – equality of basic material conditions that an individual needs to live.

The main claim that I defend in the thesis is that justice requires equality. I favor a specific understanding of justice that is based on the equal material conditions. In elaborating and arguing for this claim, it is considered and critically engaged with the relevant egalitarian theory of justice, John Rawls's theory of "Justice as Fairness" and G. A. Cohen's egalitarian critique of Rawls. In addition to Rawlsian egalitarian theory of justice and Cohen's critique of Rawls, Michael Sandel's communitarian account of justice and Amartya Sen's capability approach to justice are also engaged in connection between equality and justice.

The main critique is directed against John Rawls's theory which proposes two principles of justice. The first principle describes the condition of the equality of the basic rights and liberties in a well-ordered society. The second principle of justice has two components; the fair equality of opportunities and the difference principle. By the guidance of the hypothetical agreement held by rational and reasonable parties under veil of ignorance, the application of principles of justice to the major institutions of the society, for Rawls, will result an outcome that is automatically fair for all. The difference principle describes a new, unique understanding of equality in Rawls's account with regard to the justification of material inequalities between people if these inequalities are for the benefit of the least advantaged ones in the society.

I claim that the difference principle can be taken to justify inequality by offering a new way of distribution or regulation of wealth and income in Rawlsian account of justice. In other words, in the context of the Rawlsian theory of just society, equality comes from/by inequality. Therefore, Rawls's two principles of justice would not meet the requirements of a

just society. Here, the hypothesis arises that justice requires greater equality than Rawls's liberal-egalitarian state can deliver. Thus, examination or explanation of Rawls's theory of justice and its basic concepts and principles takes the most important place in the scope of the thesis. Particularly, the difference principle which justifies inequalities in Rawls's fair and well-ordered society envisagement is considered and critically analyzed in the thesis with reference to Cohen's egalitarian critique against it.

For this reason, in the first chapter of the thesis Rawls's theory of justice is examined in detail. After an overview of the theory is presented, the difference principle is explained and interpreted; and in the final section of the chapter some of the critiques against Rawls are also presented.

In chapter two, Cohen's critique against Rawls's theory of justice is explored. Since Cohen's critique arouse in opposition to Rawls's liberal egalitarian account of justice, chapter begins with Cohen's understanding of egalitarianism by highlighting the main points and the strengths of his approach. From there, Cohen's egalitarian standpoint moves on to explore his critiques on Rawls's theory of justice so as to point out which points he criticized regarding the relation between equality and justice and for what reasons he directed his critique against Rawls's account of justice. Cohen directs his criticism at many points of Rawls's theory of justice including meta-ethical and constructivist critiques. However, since I focus on the relation between the concept of equality and justice, I preferred not to present Cohen's all critiques against Rawls, rather I preferred to present his critiques with reference to the points that reveals the relation between Rawlsian equality and Rawlsian justice.

In chapter three, Sandel's communitarian approach to justice and Sen's capability approach are explored. Contemporary approaches and theories of justice, as it is understood by the title deal with the issues that are directly related to the justice. Thinkers and scholars

provide different definitions of justice with reference to the problems that cause injustices in the society in their accounts. Their accounts of justice or their definitions of justice vary because their assumptions depend on their own findings as the sources of the injustice. What is common in Sandel's and Sen's accounts of justice is that inequalities are present in the society for both of them, and these inequalities are related to injustice. On the other hand, they both define inequalities differently and construe their approaches to justice on different grounds that make their understanding of justice completely different. Sandel's communitarian approach of justice takes the first place in the third chapter; in this part, his critique of market society and its results, firstly, are highlighted; and then his main claims and assumptions regarding his understanding of justice are presented by considering the relation between equality and justice. Sen's capability approach follows Sandel's account of justice. Sen's unique conception of "basic capabilities equality" and capabilities approach are reviewed and presented.

I claim that both Sandel's and Sen's accounts of justice reveal many important aspects of injustice in their critiques of societal problems that are stemming from utilitarianism, individualism and market dominated societies; however, their accounts of justice fall short in my vision of egalitarian justice with respect to the relationship between equality and justice. And so in chapter four, I firstly explore the conception of equality from an egalitarian point of view. Secondly, I evaluate all of these accounts of justice: Rawls's theory of justice as fairness, Cohen's egalitarian account against Rawls, Sandel's communitarian approach of Justice, and Sen's account of justice – the capability approach. In this respect, my main purpose in this thesis is to assess main contemporary theories of justice from the point of view of their relationship to equality.

CHAPTER 1 - Equality in John Rawls's Theory of Justice as Fairness

The first chapter of the thesis is dedicated to Rawls's theory of justice – Justice as Fairness as one of the most prevalent and important justice theories in the contemporary political theory. Its importance fundamentally stems from its foundation in the liberal capitalist world of today as an egalitarian response to the current problems of individualistic and utilitarian point of view of daily lives of human beings. Rawls's theory of Justice is accepted as an epoch-making work amongst the scholars and philosophers as a response to the societal problems regarding the concerns of justice, which are originating from prevailing utilitarianism. In the most comprehensive sense, Rawls establishes his theory of justice in the liberal context by putting the rights and liberties to the center of the theory. These inviolable basic rights and liberties² placed in the center of the theory, additionally, the egalitarian tendency of the theory to offer solutions to solve the problems that substantially engaged to the social structure are mainly the features of the theory that attracted both left wing and right wing philosopher's attention to the theory. While some of the scholar aggrandized it some other scholars criticized Rawls's theory of justice in many respects.

In this thesis, as it is mentioned the equality in terms of the justice matters, which is followed by the proposition that justice requires equality. In that sense, it is not unexpected that an egalitarian critique of Rawls's theory of justice is presented and is argued against it, in the first chapter of the thesis. Main arguments hypothesized in the thesis with reference to Rawlsian egalitarian theory of justice are; Rawls's two principles of justice do not meet the requirements of a just society; and, justice requires greater equality than Rawls's liberal-egalitarian state can deliver. Thus, the review of Rawls's theory of justice as fairness becomes

² He listed some of the rights and liberties as "basic" ones , in other words, he did not take all rights and liberties into consideration as basics in his theory that are elaborated in the first chapter in the relevant part of the discussion.

one of the primary issues of the thesis. The first section of the chapter covers the main points of the theory to provide an overall view of Rawls's theory as the outline of the theory. In the second part of the chapter, the difference principle takes place in the evolution of discussion, in that part the difference principle is analyzed in more detail. The main criticisms against Rawls's theory of justice in the contemporary political theory, which is presented in the third section, however, not all the criticisms are against the theory and its components is presented in that part; the critiques that contributes to the thesis in the scope of egalitarianism and the contemporary theories of justice are left for the following chapters; which are examined in a more detailed manner in the respective chapters.

a. A Theory of Justice – Justice as Fairness

Rawls's theory of justice that is provided for, or organized for a liberal society as a critique of utilitarianism that is dominant in all aspects of life, and the theory mentions what justice requires, what a just society should look like, and how fits into the overall good of the members of a just society (Freeman, 2003, p. 86). "Justice as Fairness" is a theory of justice that generalizes and carries to a higher level of abstraction the traditional conception of the social contract as found, say in Locke, Rousseau, and Kant (Rawls, 1999, p.10). Rawls interprets the contractarian idea of setting up a society in his own context, and attributes it another meaning as "the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement" (Rawls, 1999, p. 10). And he defines these principles on the basis that principles matter for the free and rational persons to further their own interests would accept an initial position of equality as defining the fundamental terms of their association; that regulates all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government can be established (Rawls,

1999, p. 10). Accordingly, he calls the way of understanding principles of justice and the idea of contract, in the context mentioned in the previous sentence as “*Justice as Fairness*”.

According to Rawls, justice is the first virtue of social institutions (1999, p.3), and for him, in a just society the liberties of equal citizenship are taken as settled; the rights secured by justice are not subject to political bargaining or to the calculus of social interest (1999, p. 4). The primary subject of justice, for Rawls, is the basic structure of society (1999, p.6), because for him, basic structure – social institutions and social positions – has a profound effect on individuals (1999, p.7). Basic structure is fundamentally about the institutions and positions; positions that are provided in the society for individuals, which mean human beings born into some positions that determine their life from the beginning. These are economic and social circumstances as the sources inequalities in the society. Thus, corresponding to the fundamental idea in the traditional theory of social contract, original position of equality takes its place in the theory of justice. That is, the political constitution and the laws are just when they could be agreed to by free rational persons from a position of equal right and equal political jurisdiction, and Rawls applies the idea of a hypothetical social agreement to argue for principles of justice (Freeman, 2003, p. 3). In addition, according to Audard, Rawls uses the social contract paradigm in order to represent the principles of justice as grounded in freedom: that is the meaning of the freedom (2007, p. 83). Thus, hypothetical agreement is inherited from the contractarianism in the theory of justice as the foundation of the principles of justice.

The original position is the set-up situation for the hypothetical contract for Rawls like initial position in the contractarian doctrine. Freeman describes original position that seeks fairness to persons, conceived as equals with the capacities to critically reflect on adopt, and pursue their conceptions of good (2003, p. 13). The essential feature of the original position is that no one knows his place in society, his class position or social status, nor does anyone

know his fortune in the distribution of natural assets and abilities, intelligence, strength etc. the principles of justice are chosen behind a veil of ignorance by ensuring that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances (Rawls, 1999, p.11) without knowing who they are going to be. The veil of ignorance, not knowing one's race or class background, is required because equal treatment by the social and political systems of those with different comprehensive values is an important form of fairness in the original position amongst parties to the hypothetical contract (Freeman, 2003, p.73). Furthermore, the veil of ignorance according to Freeman, distinguishes Rawls's social contract from 'state of nature' views (2007, p. 155) that intends to render the social contract a fair and strictly impartial agreement (2007, p. 157) by avoiding the knowledge of individuals about their statuses in the society in a historical manner to prevent individuals from using their positions as the bargaining power.

In original position, with the help of veil of ignorance – everybody is similarly situated in the society – the principles of justice are the result of a fair agreement or bargain, because in original position no one is able to design principles to favor his / her particular condition (Rawls, 1999, p.11). According to Rawls, original position is the initial and appropriate status quo for rational people, who are mutually disinterested, and the agreements and decisions taken in that position is fair in the sense of justice. And, the name of his theory of justice “as fairness” comes from his assumption that the principles of justice are agreed to in an initial situation that is fair (Rawls, 1999, p. 11). Hereof, the original position necessarily results in distinctly liberal principles that guarantee equality of basic liberties (Freeman, 2003, p. 13).

The conception of justice is stated in the form of two principles. The first principle states that “Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all”

according to Rawls (1997, p. 42).³ That is each person participating in a practice, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all (Rawls, 1999, p. 56). The second principle is stated as “Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the Difference Principle).” (1997, p. 42).⁴ In other words; according to Rawls, inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone’s advantage (Difference Principle), and provided the positions and offices to which they attach, or from which they may be gained, are open to all, equality of opportunity, (Rawls, 1997, p.188). The first principle is fundamentally about the basic liberties and related to political constitution. On the other hand, the second principle, which is also called as the lexical difference principle, is about economic institutions and it defines what sorts of inequalities are permissible.

“Maximin rule”, “Maximin Criterion” is another component of Rawls’s theory of justice as fairness that is emphasized or criticized by many scholars, need clarification in the meaning for the sake of the discussion in the thesis that will be referred in different sections. According to Rawls, economics may refer to the difference principle as the “maximin criterion” although he wants to avoid that usage of the concept. The reasons why he attempts to avoid this name for the difference principle is that the maximin criterion is understood as a rule of choice under great uncertainty, whereas the difference principle is a principle of justice; so, using the same name for two distinct things is not desirable (1999, p. 72). The difference principle applies primarily to the basic structure of society via representative

³Rawls has modified the first principle in accordance with the criticisms, and published in the book “Justice as Fairness: A Restatement” edited by Erin Kelly, 1997. The first statement before the revision was “*Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.*” (Rawls, 1999, p. 53)

⁴ The second principle has been also modified, and published in the book “Justice as Fairness: A Restatement” edited by Erin Kelly, 1997. The first statement before the revision was; “*Social and economic inequalities are to be arranged so that they are both (a)reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all.*” (Rawls, 1999, p. 53)

individuals whose expectations are to be estimated by an index of primary goods, which is a very special criterion (Rawls, 1999, p. 72). Besides, naming the difference principle as the maximin criterion can result a deportation from its own meaning; and it might wrongly suggest that the main argument for this principle from the original position derives from an assumption of a very high risk aversion (Rawls, 1999, p. 73). However, he does not actually deny the relation between the difference principle and such an assumption by stating extreme attitudes to risk are not postulated; and in any case, there are many considerations in favor of the difference principle in which the aversion to risk plays no role at all; thus, it is best to use the term “maximin criterion” solely for the “rule of choice under uncertainty” (Rawls, 1999, p. 73).

After the broad framework of Rawls’s theory of justice – Justice as Fairness drawn above, in the following section, the principles of justice, particularly the second principle – the Difference Principle will be examined.

b. The Difference Principle

The purpose of this section is not to propose a complete evaluation of the second principle of justice including the criticisms against it, and, but only to illustrate its basics of content, to refer some of the main criticisms with regard to the difference principle to make the further discussion more comprehensible. Concordantly, in the first place the principle “fair equality of opportunity” and the “difference principle” are summarized, which are the two components of the second principle of Rawls’s conception of justice.

The first principle of justice is based on the equal liberties and prior to the second principle of justice that means in applying a principle it is assumed that the prior principles are fully satisfied (Rawls, 1997, p. 43). According to Audard, scheme of “equal basic liberties” emphasized in the first principle, are not the any of the liberties; for Rawls basic

liberties are: freedom of thought and liberty of conscience, the political liberties and freedom of association and freedoms specified by the liberty and integrity of the person, the rights and liberties covered by the rule of law (2007, p. 95). According to Rawls, *liberties not on the list, for example the right to own certain kinds of property, (e.g. means of production) and freedom of contract as understood by the doctrine of laissez-faire are not basic; and so they are not protected by the priority of the first principle* (1999, p. 54).

Rawls states that the first component of the second principle of justice has also priority over the second component that is difference principle (1997, p. 43). In other words, John Rawls proposes “fair equality of opportunities” as the first requirement of the second principle of justice - difference principle (Rawls, 1997, p. 43). The equality of opportunities has an essential role in liberalism with reference to the understanding of equality in the liberal ideology, because equality of opportunities is associated with equality of basic rights and liberties. Equality of opportunity stands for the equality for individuals to take part in the social and political positions that is available for all in the society. This principle provides individuals the equal opportunity to compete for the positions on the basis of relevant qualifications to the position. However, Rawls differentiates his principle of equal opportunity from the classical liberal idea of positions, by specifying his principle as “fair equality of opportunity”, which also focuses on preventing discrimination and enforcing open positions to correct social disadvantage – social class differences (Freeman, 2007, p. 89), and maintaining equal opportunities of education for all (Rawls, 1999, p. 63). By this principle, Rawls aims to provide or to guarantee equal access to the positions by all who belong to different socioeconomic classes but equally talented and qualified for the open positions as one of the ideal conditions of a well-ordered society.

The difference principle, in the most general sense, is related to the social and economic inequalities and the distributive justice by stating that only justification in terms of

socioeconomic inequalities can be acceptable, if fair equality of opportunities are secured for all, and if all equally talented people have equal access to the positions, and if inequalities engaged in some of those positions is for the benefit of the least advantaged ones in the society. Rawls states that the principles of justice primarily apply to the basic structure of society and govern the assignment of rights and duties and regulate the distribution of social and economic advantages (1999, p. 53).

The presumption lies behind the formulation of the principles regarding the purposes of a theory of justice that social structure may be illustrated as having two more or less distinct aspects, and the first principle applying to the one, the second principle to the other; the first aspect of the social system is to secure the equal basic liberties, and the second aspect is to specify and establish social and economic inequalities (Rawls, 1999, p. 53).

According to Freeman (2007), the difference principle is not a principle that simply attaches a responsibility or task of justice to help the poor to compensate their disadvantages in the society as the traditional responsibilities assigned by the societies to its members.

For him the difference principle is not simply about providing ‘welfare payments’ or public assistance to those poor or in need by unfortunate circumstance, rather it goes deeper than that because it is not a principle for individuals it is a principle for institutions (2007, p. 99). The difference principle is not for individuals it is a principle formulated for legal institutions, because principles of justice are not originated from a superior authority or not enforced individuals to take some duties, they are the result of the hypothetical contract, and the result of citizen’s generalized agreement as free and equal persons willing to cooperate on a fair basis (Audard, 2007, p. 9). Rawls expresses this condition of the difference principle as follow;

“The second principle addresses, to the distribution of income and wealth and to the design of organizations that make use of differences in authority and

responsibility. While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and responsibility must be accessible to all. The application of the second principle is based on holding positions open, and then, subject to this constraint, arranges social and economic inequalities so that everyone benefits." (1999, p. 53).

In other words, exercise of the difference principle in a practical manner is linked to the regulations of legal and economic institutions such as taxation, inheritance, contract and so on, after that it can be applied by legislators and regulators who are the decision makers of the rules that govern the institutions (Freeman, 2007, p.100). In addition, it is beneficial to emphasize to apprehend the main logic behind the principles of justice that Rawls does not approach the distributive justice as libertarians or socialists does, such as he is not fond of considering right to property as a basic right, or not fond of income equality in the society; his main concern is "the democratic equality"⁵ is that under the conditions of equal rights and liberties, the principles of justice will pave the way for distributive justice as the ideal social process by correcting the institutions and the structures.⁶ The Difference principle is needed to enable citizens to enjoy basic liberties that are fully adequate to the exercise and development of their moral powers to be reasonable and rational (Freeman, 2007, p. 117).

A simple and appealing idea lies in the core of the difference principle, that social and economic inequalities should be evaluated in terms of how well off they leave the worse off (Parijs, 2003, p. 200). Parijs states that (2003 p. 200), the maximization of the minimum of some index of advantage – advantages enjoyed by the least advantaged – should be as generous as possible provides a transparent and elegant way of expression of an egalitarian

⁵ It is a 'complex form of egalitarianism' for Norman Daniels (2007).

⁶ Joshua Cohen's (2003, p.86) definition of "Democratic Equality" is that "*democratic equality – the second principle of justice – states that socioeconomic inequalities are to be organized that they meet two condition: offices and positions are to be open to all under conditions of fair equality of opportunity by maintaining equal basic liberties; and, according to the difference principle, the inequalities attaching to those positions are to operate to the greatest benefit or the least advantaged.*"

inclination and a concern of efficiency, at the same time, it avoids the absurdity of equality at any price and the atrocity of the maximizing the aggregate no matter how distributed. Thus, from Parijs point of view (2003 p. 200), it is undeniable that the difference principle resemble to the justification of economic inequalities by reference to the idea of general interest as in the utilitarian tradition, by emphasizing the difference between the aggregate social welfare and the interests of the least disadvantaged. Parijs interpretation of the difference principle has a crucial place in the context of thesis, because one of the most remarkable critique of egalitarians or the leftists is based on the idea of “justification of the inequalities” in the society by the difference principle. That is hypothesized in the thesis that "the difference principle" justifies inequality by offering new way of distribution or regulation of wealth and income which is mentioned in the fourth chapter of the thesis.

General framework is drawn for the theory of Justice and the principles of justice is summarized above, after the attempt of the clarification of the main concepts, principles and assumptions of the theory, some approaches against the difference principle take place in the following part of this section.

The first objection to the difference principle is considered in line with the priority of liberty. That is the difference principle will not have the opportunity to be revealed in the society, because the concerns and the affairs of the distributive justice are based on the idea of maintaining the system of basic liberties. In other words, Rawls’s well-ordered society is built on the idea of basic liberties and basic liberties has priority over the rest of the principles of justice – that are the principle of fair equality of opportunity and difference principle, and the questions related to the distributive justice are determined to maintain the system of basic liberties. Rawls’s himself manifests that without applying the first principle of justice it is not possible to apply the second principle in a just and well-ordered society. Difference principle is applicable where the basic principles are provided and protected for all. Hence, it is

criticized that formulating the concerns of distributive justice to provide and maintain basic liberties for all in the system of a well-ordered society is not fair; on the contrary, it is claimed that to be fair in a well-ordered society egalitarian distribution should be established first to maintain the equal basic liberties. Hence, where distributive justice concerns take the first place with reference to egalitarian distribution, the difference principle becomes irrelevant (Freeman, 2007, p. 114).

The second objection similarly is again related to the equal basic liberties and the maintaining equal liberty system. According to those objects to the difference principle, to protect and maximally secure the basic liberties and fair equal opportunities, the sources of the society might be overused and depleted; because to maintain basic liberties and to protect citizens and their properties, some extra measures can be needed such as policing, street lights, surveillance cameras and so on. But these and other measures may diminish to insignificance the resources available for distribution by the difference principle (Freeman, 2007, p. 115).

The third objection belongs to Thomas Nagel regarding the difference principle. According to Nagel, the difference principle may be too weak; in the sense that, if the differential social benefits are allowed to provide incentives, then the people at the top will tend to be those with certain talents and abilities, and the people at the bottom, even though they are better off than they would be otherwise, will tend to lack those qualities (1973, p. 231). Hence, for him, such a consistent schedule of rewards inevitably affects people's sense of their intrinsic worth, and any society operating on the difference principle will have a meritocratic flavour, this differs from the case (1973, p. 231).

Here, it can be added to Nagel's argument that by the difference principle the inequalities are not only justified by the institutional perspective⁷ but also justified by the people themselves socially; because in such a society a person knows what to get from the positions or opportunities that is provided for all under the principle of fair equal opportunity in accordance with his / her talents, and justifies his / her condition in the society. Thus, in that sense, the difference principle does not regulate the social structures in the society for the benefit of the worst offs by providing all equal opportunities relevant to the required talents and qualifications; instead, it justifies the inequalities that are not socially created but have social effects in the society and in the lives of the members of the societies.

c. Main Critiques of Rawls's Theory of Justice

Till here, the main components of Rawls's theory of justice and the main arguments are outlined. In this part of the chapter, the main purpose is to present some of the critiques of Rawls's theory of Justice, in a general manner, to analyze which conceptions or principles of Rawls's theory of justice has been criticized in what manner and for what reasons from different perspectives. Meanwhile, it is worth to emphasize here that this part presents some of the criticisms or objections directed to Rawls's theory of justice that belong to Thomas Nagel, Michael J. Sandel and Amartya Sen. In the following chapter, Cohen's egalitarian criticism of Rawls's theory of justice which is particularly directed to the difference principle is presented and elaborated in detail. Sandel's and Sen's criticisms are also presented in this

⁷ It is necessary to clarify what an institutional perspective is. According to Rawls, the principles of justice are not for the individuals; rather they are for the institutions that regulate the ideal well-ordered society of Rawls which is just. As it is mentioned in the subsection (b) of the first chapter, the main hypothesis that is resembled in this part, *the difference principle justifies inequality by offering a new way of distribution or regulation of wealth and income*, so it is not inaccurate to say that justification of inequality by difference principle is provided from an perspective by offering a new way or regulation of distribution of wealth and income.

section and their approaches to justice are left for the third chapter to analyze where they place equality in their approaches and in which context.

Nagel on Rawls's Theory of Justice

Nagel's criticism on Rawls's theory of justice is formed around two issues and his critiques are construed on these issues that are, the first, what principles would be chosen in the original position, the second, examining those features of the position that are thought to support the most controversial choices and to ask why the results of a decision taken under these highly specific and rather peculiar conditions should confirm the justice of the principles chosen (1973, p. 220).

According to Nagel (1973), Rawls's doctrine is fundamentally egalitarian liberalism that incorporates its controversial elements in its egalitarianism; because liberty has the primacy and it is the most important fact to be equal rather than other goods. The justice of social institutions is measured not by their tendency to maximize the sum or average of certain advantages, but by their tendency to counteract the natural inequalities deriving from birth, talent, and circumstance, pooling those resources in the service of the common good which is measured in terms of a very restricted, basic set of benefits to individuals; personal and political liberty, economic and social advantages and self-respect (Nagel, 1973, p. 222). Liberties have the priority over other goods in Rawls's theory that cannot be abandoned for any advantages that are social or economic. The only case liberties can be sacrificed or limited is in case when social or economic advantages are limited or unequal until material conditions have improved.

For Nagel, this assumption is simply opposed to the idea of the opportunity. He states that, Rawls's endeavor to avoid inequalities resulted from birth and talent is not in line with the mere equality of opportunity; also, this view is opposed to counting a society's advanced

cultural or intellectual achievements among the gains which can make sacrifice of the more primary goods just (Nagel, 1973, p. 222).

Nagel's main objection to the theory is directly linked to the original position even though he proposes some critiques to the other components of the theory. As it is proposed by Rawls himself, citizens under a thick veil of ignorance makes their decisions for the sake of justice in the society by consent and by guaranteeing the basic liberties, and apply the principles of justice by unanimity to the basic structure of the society with reference to the contractarian theories of political theory.

Individual preferences are so divergent and their self interests make difficult agreeing on some common points in the context of contract that needs bargaining between parties. However, for Nagel, the original position, by restricting the basis of the hypothetical agreement lose some of its justifying power (1973, p. 225). And the thick veil of ignorance is irrelevant on the ground that the choice of the individual should not be influenced by social natural contingencies that would lead some parties to claim for special advantages, or give some of them special bargaining power (1973, p. 226).

However, under this veil, individuals are not only deprived of their possessions, or sex, or race, or parentage, but also of their conception of the good, that is not morally relevant for Nagel. He states that, the model of original position will not work because in order to secure spontaneous unanimity and avoid the necessity of bargaining one must suppress information that is morally relevant, and moreover suppress it is a way that does not treat parties equally (1973, p. 227) by not tolerating individual inclinations. In addition, limitation of the knowledge is also not fair for Nagel because all individuals value primary goods differently.

Sen on Rawls's Theory of Justice

Amartya Sen develops his idea of justice on the basis of his critique of Rawls's theory of justice – justice as fairness. While he is criticizing Rawls, Sen grounds his claims as the alternatives of Rawlsian arguments in his theory of justice. Sen's critique of Rawls's theory of justice elaborates, also, elements of Sen's idea of justice.

In the very beginning, Sen accepts human beings as creatures that can develop themselves that their development and the prosperity are highly related to the achievement of their potential, and the human freedom is the central element of his understanding of justice. In that respect, for Sen, justice is about the real choices that improve the lives of the human, and this understanding stems from the practice and comparative assessments instead of philosophical theoretical discussions. According to Sen, the main objective of a theory of justice should be able to provide some remedies to the inequalities existing in any society by providing ways to achieve their potential holding freedoms for all. For him, there are requirements of a theory of justice include bringing reason into play in the diagnosis of justice and injustice (2010, p. 5).

The first disagreement between Sen and Rawls arises in the discussion of transcendental institutionalist perspective⁸ and comparative perspective⁹. Sen formulates this distinction with regard to Indian Jurisprudence, in Sanskrit literature. "*niti*" and "*nyaya*", these two words in Classical Sanskrit stand for justice¹⁰. Among the principal uses of the term *niti* are organizational propriety and behavioural correctness. In contrast with *niti*, the

⁸ "Transcendental institutionalism" is an approach used by Sen that refers to the identification of just institutional arrangements for a society on the basis of contractarianism, led by the work Hobbes, Locke Rousseau and Kant, which is focused on the developing theories of justice that focused on the transcendental identification of the ideal institutions (2010, p. 6).

⁹ "Comparative approaches" that were concerned with social realizations (resulting from actual institutions, actual behaviour and other influences) (Sen, 2010, p. 7).

¹⁰ In that line of vision, the roles of institutions, rules and organization, important as they are, have to be assessed in the broader and more inclusive perspective of *nyaya*, which is inescapably linked with the world that actually emerges, not just the institutions or rules we happen to have (Sen, 2010, p. 20). *Nyaya* corresponds to the realization-focused comparative approach, and *niti* corresponds to arrangement-focused transcendental institutionalism.

term *nyaya* stands for a comprehensive concept of realized justice. He places Rawls in the sphere of *niti*, Rawls forms a theory of justice that resemble how a just society should be; and, places his own idea of justice to the sphere of *nyaya*, on the contrary he deals with the comparative practical problems that move society to a less unjust condition.

The second disagreement between Rawls and Sen is about the role of institutions. For Rawls, justice is about institutions and the distribution of the goods provided by those institutions; for Sen, justice is about the actual conditions of individuals in the society regarding whether they are well off, or not. According to Sen, Rawls's transcendental approach, the understanding of institutions of Rawls underestimates the actual conditions of just institutions and the behaviors that can make a society just, and Sen argues that what matter is in terms of the justice is the people and their well being.

The following criticism is directly related to the priority of the liberty in Rawlsian theory of justice. Sen states that the problems he directed his criticisms can be accommodated without going against Rawls's basic approach, which have been receiving considerable attention in the literature (2010, p. 65) . According to Sen, the total priority of liberty is too extreme, liberty must have some kind of priority, but total unrestrained priority is almost certainly overkill (2010, p. 65). In Rawlsian well-ordered society, the priority of the liberties is in line with the minimum well being of all in the society, with regard to this assumption, Sen states that this argument does not apply to some conditions that starvation and hunger exists.

The difference principle is another element of Rawlsian justice that is criticized by Sen. He states that, in the difference principle, Rawls judges the opportunities that people have through the means they possess, without taking into account the wide variations they have in being able to *convert* primary goods into good living (2010, p. 66). While Rawls proposes these primary goods argument he is not specifying in which way or in what extent

the conversion of the primary goods into good living is possible. In this respect, Sen argues that, a move from primary goods to capabilities would not be a foundational departure from Rawls's own program, but mainly an adjustment of the strategy of practical reason (2010, p. 66).

In the Rawlsian case of justice, the exercise of fairness through the approach of hypothetical contract is based on the identification of just institutions of the basic structure. According to Sen, direct attention is bestowed almost exclusively on "just institutions", rather than focusing on "just societies" that may try to rely on both effective institutions and on actual behavioral features by the proposition that Rawls underestimates the relevance of actual behavior (2010, p. 67). And, he refers to the distinction between realization-focused comparative approach, and *niti* corresponds to arrangement-focused transcendental institutionalism.

According to Sen, it is reasonable to set principles of justice on the political sphere to construe a political conception of justice, however when it is moved to the actual societies it does not solve the problems of justice in the society, because he thinks that even the choice of basic social institutions through a unanimous agreement would yield some identification of reasonable behaviour (or just conduct), it is still questionable how the chosen institutions would work in a world in which everyone's actual behaviour may or may not come fully into line with the identified reasonable behaviour (2010, p. 68). Contrary to Rawls, he asserts that justice is partly a matter of the gradual formation of behaviour patterns; political conception of justice does not make an immediate change and a total redesign of everyone's actual behaviour (2010, p. 69).

Rawls's contractarianism is another point Sen criticized. Rawls, social contract, for Sen, is within the utilitarian tradition that focuses on producing 'the most good summed over all its members, where this good is a complete good specified by a comprehensive doctrine

(2010, p. 70) that was the principal point of departure to which Rawls drew explicit attention in his theory of justice as fairness. According to Sen, Rawls's contractarianism, described by Rawls as an attempt to generalize and carry to a higher level of abstraction the traditional conception of the social contract as found, say in Locke, Rousseau, and Kant (1999, p.10), neglects the exploration of other approaches that are neither contractarian nor utilitarian like Adam Smith's 'impartial spectator'¹¹ to base judgments of justice on the demand of fairness. He proposes a solution to reasoning of Rawls's contractarianism that the device, Smithian impartial spectator, allow some possibilities of addressing the issue of fairness (2010, p. 70). According to Sen, without Adam Smith's reasoning, involving the impartial spectator, there are some points that social contract approach cannot easily accommodate, including;

- (1) Dealing with comparative assessment and not merely identifying a transcendental solution;
- (2) Taking note of social realizations and not only the demands of institutions and rules;
- (3) Allowing incompleteness in social assessment, but still providing guidance in important problems of social justice, including the urgency of removing manifest cases of injustice; and
- (4) Taking note of voices beyond the membership of the contractarian group, either to take note of their interests, or to avoid our being trapped in local parochialism. (2010, p. 70).

The last critique of Sen directed to Rawls theory of a fair well-ordered society is based on the theory's relevance of global perspectives. Rawls's theory of justice and the use of

¹¹ Adam Smith's thought-experiment on impartiality invokes the device of the 'impartial spectator', and this differs substantially from the closed impartiality of 'justice as fairness'. The basic idea is pithily put by Smith in *The Theory of Moral Sentiments*, as the requirement, when judging one's own conduct, to 'examine it as we imagine an impartial spectator would examine it', or as he elaborated in a later edition of the same book: 'to examine our own conduct as we imagine any other fair and impartial spectator would examine it'.¹ for – both. (2010, p. 124).

social contract limits the involvement of the participants in the pursuit of justice to the members of a given polity, or “people” broadly similar to that of nation state in standard political theory (2010, p. 71). The possibility of the proceeding in a global context is problematic for Sen, and only the original position leaves one little option to achieve a global social contract. The assessment of justice in the global context is deeply problematic for Sen; because of two reasons; first, the operations of the institutions in one country can have huge consequences on others as in the case of terrorism and the US-led invasion in Iraq; second, some societies can have some parochial believes that call for more global examination and scrutiny, because it can broaden the class and type of questions that are considered in that scrutiny (2010, p.71).

CHAPTER 2 - G.A. Cohen's Egalitarianism and Critique of Rawls

Gerald A. Cohen is a Marxist philosopher who presented an egalitarian critique of John Rawls's theory of justice – justice as fairness. He is known as the founding father of a new school of thought – Analytical Marxism that seeks to apply the virtues of analytic philosophy, of coherence, rigor, and clarity, to the tenets of Marxism (Sypnowich, 2006, p. 1) and he named this approach as 'no-bullshit' Marxist approach - by his work *Karl Marx's Theory of History: a Defence*, 1978. Cohen was discontent about Rawls's concession that the just society, premised on the idea that unequal wealth has no moral basis, might ascribe a role to incentives in order to increase its wherewithal to ameliorate disadvantage; the matter of personal enrichment and egalitarian justice prompted further ruminations (Sypnowich, 2006, p. 4). The second chapter, in the most general manner, covers Cohen's egalitarianism, and particularly, his critique of Rawls. The main objective of this chapter is to present main points of Cohen's critique of Rawls, and to explain them to provide a framework for the egalitarian context of the thesis. In the first section of chapter, an overview to Cohen's egalitarianism is provided. In the second section, Cohen's critique of Rawls's theory of justice is presented corresponding to the relevant discussion of the thesis including some Rawlsian responses to the main points of Cohen's objections.

a. An overview to G.A. Cohen's Egalitarian Thought

In the first place, it is substantial to emphasize that what differentiates Cohen from Rawls is based on his ideological disposition or stance towards the world that is a Marxist view of the world. His Marxist standpoint reveals itself in each part of his Critique of Rawls's

theory of justice, and all his counter arguments rely heavily on the socialist understanding of equality and the society.

The principles of the ideal socialist society and the principles of the ideal liberal society are fundamentally different. Not only the principles, but also the assumptions in any step of the establishment of these ideal types of the societies are different. In this regard, Cohen's egalitarian critique of Rawls on the basis of socialist premises confronts with the egalitarian consideration of Rawls on the basis of liberal premises. Equal respect and concern are inherent to the ideal socialist society that are not designated by a super-structural power – state that is alien to the inner structure of the society as in the case of liberal ideal society. In an ideal socialist state, material and political life are internal to the society that are not generated or projected by some super-structural powers or organizations as they are represented in the form of the market and the state in the ideal liberal conception of society. Thus, it is not unforeseeable that the interpretations of justice with regard to the egalitarian premises differ in these two thinkers' conception of justice.

According to Cohen (2008), the egalitarian thesis asserts that where distributive justice is prevalent, material expectations of people are roughly equal: distributive justice does not tolerate the deep inequality, driven by the provision of economic incentives to well-placed people that John Rawls and his followers think a just society displays (p. 2).¹² Cohen does not formulate a clear definition of justice, but he states that he thinks justice is:

“The ancient dictum, that justice is giving each person her due. For my part, however, I am not fully content with it, because, just by itself the dictum is consistent with each of two opposed views of the relationship between justice and what is due to people. According to one of these views, a conception of justice is fashioned out of

¹² Cohen's egalitarian thesis has been presented in the book “Rescuing Justice and Equality” 2008, to state what he is rescuing from what. Besides the egalitarian thesis, he attempts to rescue “*the concept of justice from the Rawlsian constructivist treatment of the concept. And that more meta-ethical rescue, of a concept, supports the rescue of the egalitarian thesis*” (p. 2).

beliefs about what people are due; according to other, beliefs about what people are due lie downstream from (independently identifiable) convictions about justice. I am not sure which view is more sound, but I don't think I need to take a stand on the matter for the sake of defending any of the claims of this book" (Cohen, 2008, p. 7).

The quote above is not the most important part of Cohen's egalitarianism and his Critique of Rawls, and equality. As it is mentioned by him in the quote, he is not sure about which view of the relationship between justice and what is due to people is more sound and he does not think it is necessary to take a stand on one of those views. However, his view towards the relationship between justice and what is due to people sounds pretty controversial with regard to his assumption that justice requires equality strengthened, because values other than justice tend against equality (Cohen, 2008, p. 3). The fact that, the statement of giving each person his or her due and the justice requires equality brings concerns about equality of what out. In his egalitarianism, it is clear that justice requires more equality in material conditions, in the radical sense, than in any liberal society, than in fair well-ordered society that Rawls envisages.

However, it still can be said that "his / her due" can contradict the idea of distributive justice that distributes the goods equally in a radical sense; and human beings or individuals or members of society – it does not matter in which context, a person can object that it is not just to get equal share with all, because his / her due is not equal with others it can be more or less than the others. That is somehow related to the discussion of desert in the conception of justice; although Liberals, Libertarians and, Utilitarians meet in the same ground on the rights and liberties, they are not able to meet on a ground, in the most general sense, that agreed on the definition of desert and rights regarding the right to property and wealth and so on.

Moreover, this is the problem of the contemporary justice theories, which determines who gets what; and theoreticians explain their understandings of justice in terms of their ideological standpoints. However, the claim of giving everyone's his / her due, without any specific consideration of her or his due depends on what, contradicts the idea of the distributive justice from an egalitarian point, and it is expected that Cohen would explain what he means with giving everyone's her due and at the same time distribute material goods in a society equally. In the fourth chapter of the thesis, it is returned to this objection; in the following section, Cohen's critique of Rawls is elaborated and Cohen's views on justice and egalitarianism are mentioned.

b. G.A. Cohen's Critique of Rawls

Cohen's one of the arguments directed against Rawls is that Rawls gather the contractual argument, his principles of justice and the idea of the regulation of the society by these rules together. The combination of these concepts and principles to provide a fair well-ordered society does not bring justice into the society, that the regulation of the societal structures entails some other values with it like efficiency does not meet on the same ground with the idea of justice. In liberalism, rights and liberties of individuals are secured or protected by law, and legal, economic and social structures are necessary for the regular operation of the life as long as they do not restrict the rights and liberties of human beings. Also, certain rights and liberties of individuals are ascertained against the interference of the state. Within this context, Cohen asserts that, as in the traditional liberalism, Rawls's theory of justice is not willing to go beyond the formal legal structures such as the family or the economic market. According to Estlund (1998), it is a new version of the Marxian charge that liberalism takes egoism as a fact of nature and condones it (1998, p. 100).

Rawls assumes that socioeconomic inequalities are related to the some conditions of individuals that are not chosen like talents etc. and he asserts that accepting everyone as an equal moral person will decrease the effects of those properties of individuals. By the way, factors, like talent and upbringing, will not be the determinants of the distribution in the society. Therefore, Rawls concept of justice requires equality in a sense that makes individuals equal morally to free them from their disadvantaged properties that place them in some conditions unequally. However, this understanding of equality does not stem from the distributive justice, because it allows some other kind of inequalities that are caused by the choice voluntarily. Also, inequalities caused by income, or productive efficiency are allowed in case they benefit everyone in the society, particularly the worst offs, that idea represents the difference principle of Rawls's theory of Justice. So, in short, difference principle indicates that socio-economic inequalities and unequal economic distribution can be justified, if it promotes some incentives to "all" equally, who are talented and qualified to produce more, and it results benefit of the least advantaged ones in the society.

According to Cohen, the Rawlsian endorsement of inequality as just, because it delivers the goods to everyone is a way of coping that, masks the conflict it seeks to resolve (1998, p.13). Cohen objects the difference principle by the claim that difference principle, which condemns inequalities that contradict the interests of the worse off, applies not only to the actions of state but also to the choices of individuals that are beyond the reach of the state (2008, p. 8). Cohen interprets this objection in a way that, as long as the talented ones, it does not matter where / which class they belong to, work to produce more and obey the rules of the legal system, that does not have any effect on unequal distribution; it is just in the Rawlsian well-ordered society. Instead of being motivated by the incentives and obeying rules of the legal system, if citizens are motivated in the endeavours by the fraternity that grounds the

difference principle, unequal incomes would not be required to obtain their most socially productive work (Estlund, 1998, p. 100).

The application of the principles of justice, particularly the difference principle is exposed to the objections of Cohen. Cohen states that, he is not criticizing the principle itself; rather he criticizes Rawls's unjustifiably restricted application of the principle to the acts of government (2008, p. 152), which requires government to apply and maintain equality. Cohen argues that such a principle should not be only applied to the government and social institutions, in addition to this, it should be applied to the personal manner by allowing the choice of job, work hours and demanded payments etc.

In terms of the societal inequalities and unequal capabilities and talents of the people, it is assumed in the Rawlsian theory that if people who have limited skills and talents in the market can be led to the more productive works and to work harder by paid incentives that is more preferable than the average pay; and by this way the extra output produced by whom motivated by the paid incentives can be contributed to the least advantaged ones. The application of the difference principle in defence of special money incentives to talented people is another point Cohen objects.

The Rawlsian assumption is that inequalities associated with such special money incentives fulfil the principle; when the incentive consideration isolated from all reference to desert and entitlement, it generates an argument for inequality that requires a model of society in breach of an elementary condition of community (Cohen, 2008, p. 32). However, for Cohen, the difference principle can be used to justify paying incentives that induce inequalities only when the attitude of talented people runs counter to the spirit of the difference principle itself: they would need special incentives if they were themselves unambivalently committed to the principle (2008, p. 32).

Accordingly, the incentive approach encourages the selfishness and it leads people behave in another way that rich to hold its advantaged position in the society refuse to work harder if it is not beneficial for themselves; and least advantaged and talented individuals can work harder by the incentive argument. Independently from income and talents, some of the people in the society are lucky for being born in better off families that provides them an easiness to work in better conditions or work less compared to the worst offs and scarce skilled people because they already have better life conditions than them. So, it can be argued here that the incentives argument does not remove the inequalities or not decrease inequalities / differences in the level of life conditions in the society, it guarantees the places of the individuals in the social structure by offering them higher income under the harder working conditions that is never desired by the well off member of the society.

According to Cohen (2008), committing the difference principle to the members of the society, or to the institutions, or to both of them has different results in the society. This statement is related with the Rawls argument, “the primary subject of the justice is the basic structure of society, or more exactly, the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation” those major institutions¹³ are political constitution and the principal economic and social arrangements (1999, p. 7).

Right above, in the objection to the incentives argument it is assumed that the difference principle is committed to the institutions; and reached to conclusion that incentive argument does not bring the justice society in the sense of equality and egalitarianism. For Cohen (2008), the difference principle can bring the justice to the society, in case if it is committed or applied to both the major institutions and the people. The application of the

¹³ Rawls also counts “the legal protection of freedom of thought and the liberty of conscience, competitive markets, private property in the means of production and the monogamous family” and continues as follows: “*taken together as one scheme, the major institutions define men’s right and duties and influence their life prospects, what they can expect to be and how well they can hope to d. the basic structure is the primary subject of justice because its effects are so profound and present from the start.*” (1999, p. 7).

difference principle in the society with respect to justice is only possible by applying it to in two spheres of society major institutions of the society and the members of society, which corresponds to the human emancipation argument of Marx as a necessary element of the equal and just society.¹⁴ Marx's statement of human emancipation is based on that liberal politics, by isolating certain areas of life from political intervention, gave primacy to a non-political, non communal conception of the person, and thereby condoned and encouraged egoistic behavior within the constraints of law¹⁵; if this was political emancipation, he hoped instead for an emancipation from politics, a recognition in all areas of life of the appropriate claims of one's fellows (Estlund, 1998, p. 99).

In such a society, the difference principle is applied to the both institutions and citizens, equality and of burdens and benefits would be offered or forced by the principle itself that Cohen describes the condition as the strict difference principle, which government cannot implement by itself (2008, p. 72). In that manner, incentive argument or the differentiated payment for some particular jobs that have some extra hardships like danger and extra hours to work can equalize the burdens of these particular jobs for jobs.

Cohen argues that laws, policies, institutional regulations and legal sanctions, which are organized on the basis of the principles of justice, especially the difference principle, are not enough to make a society just. Cohen argues that for the strict difference principle to prevail there is needed to be an ethos informed by the principle in society at large. Therefore, a society (as opposed to its government) does not qualify as committed to the difference principle unless it is indeed informed by a certain ethos or culture of justice (2008, p. 73).

¹⁴ Relevant quote on Human Emancipation. Marx (1844), On the Jewish Question. *"Political emancipation is the reduction of man, on the one hand, to a member of a civil society, to an egoistic, independent individual, and, on the other hand, to a citizen, a juridical person... Only when the real, individual man reabsorbs in himself the abstract citizen, and as an individual human being has become a species-being in his everyday life, in his particular work, and in his particular situation, only when man has recognized and organized his "own powers" as social powers, and consequently, no longer separates social power from himself in the shape of political power, only then will human emancipation have been accomplished."*

¹⁵ Cohen describes this duality as the separation of state and society, and the human emancipation – Marxist hope – will be possible one day by withering away the state – coercive power as it is envisaged by ideal utopian socialists (2008, p. 2).

According to Cohen, a just society is not possible without ethos which are beyond the mediate control of legislation (2008, p. 73), condemns unbridled egoism¹⁶ and any inequality (Estlund, 1998, p. 101). A just society not simply requires coercive rules, but also an ethos of justice that informs individual choices; the ethos¹⁷ promotes a distribution more just than what the rules of economic game by themselves can secure, otherwise inequalities will obtain that are not necessary to enhance the conditions of the least advantaged ones (Cohen, 2008, p. 123). These ethos are necessary for difference principle, for Cohen, because justice would be willing obedience to the relevant rules (2008, p. 124).

However, Cohen's objection of the application of the difference principle is objected by Rawlsians by stating difference principle is to apply to the basic structure that includes main institutions that define men's right and duties and influence their life prospects (Rawls, 1999, p. 7); not to the personal choices and conduct. Rawlsian distributive justice can be achieved just in case the allocation benefits and burdens in society results from actions that display full conformity with the rules of a just basic structure (Cohen, 2008, p. 126).

The basic structure objection fundamentally is related to the exclusion of the daily choices of persons as personal conduct.. The application of the principles, especially the difference principle to set a just and well-ordered society, it is assumed in Rawls's theory of justice that principles are applied to the basic structure alone, and the principles of justice do not judge the actions of people within just institutions. That raises a fatal ambiguity, for Cohen, in the specification of the basic structure, and associated discrepancy between Rawls's criterion for what justice judges and his desire to exclude the effects of structure-consistent personal choice from the view of its judgment (2008, p. 132).

¹⁶ In different sources and in different chapters of Cohen's books, this egoism is sometimes called as selfishness and sometimes as self interest.

¹⁷ Cohen (2008) defines ethos that "*a structure of response lodged in the motivations that inform everyday life, not only because it is impossible to design rules of egalitarian economic choice conformity with which we can always be checked, but also because it would severely compromise liberty if people were required forever to consult such rules, even supposing that appropriate applicable rules could be formulated*" (p. 123).

In the first understanding of the basic structure, institutions are coercive in the legal sense, within the given basic structure; and, its coerciveness arises independently from people's choice, rather it takes its foundation from the choices of major institutions that legislate the law. Cohen argues that the basic structure of the society does not specify which institutions are included in, to provide justice in the society basic structure should be extended and it should cover informal instructions like family and daily choices of the persons. And to prevent the self interested behaviour, acquisitiveness and selfishness of the individuals, the primary matter of the motivation for people should be some egalitarian ethos. Cohen's original criticism of the incentive argument ran as follows (2008, p. 139) that mentions his incentives argument criticism by underlining the main assumptions and arguments:

“Citizens in a just society adhere to its principles of justice. But;

- (1) They do not adhere to the difference principle if they are acquisitive maximizers in daily life.
- (2) In a society that is governed by the difference principle, citizens lack the acquisitiveness that the incentives argument attributes to them. The principles of justice govern only the basic structure of a just.

To reply to that criticism provided by the basic structure objection is of this form:

- (3) The principles of justice govern only the basic structure of a just society.
Therefore;
- (4) Citizens in a just society may adhere to the difference principle whatever their choices may be within the structure it determines, and, in particular, even if their economic choices are entirely acquisitive. Therefore;
- (5) Proposition (2) lacks justification.

My preliminary reply to the basic structure objection says:

(6) Proposition (5) is inconsistent with many Rawlsian statements about the relationship between citizens and principles of justice in a just society.

And my fundamental reply to the basic structure objection says:

(7) Proposition (4) is unsustainable.” (2008, p. 139).

Some Rawlsian Responses to Cohen’s Objection to the Difference Principle

Cohen’s objection to Rawls’s theory of justice, particularly the objections to the difference principle arouse some Rawlsians responses and presenting those responses here will provide a more comprehensive way to understand both Rawls’s arguments on inequalities that justifies inequalities in the society and Cohen’s counter arguments on the inequalities that criticizes Rawls’s justification of inequalities.

First Rawlsian response to the objection of basic structure, as it is mentioned before, is based on the idea that the difference principle only applies to the society not to the personal conduct. Consequently, the principles of justice and the inequalities that are justified by the difference principle, stays in the sphere of the formal structure that is organized and regulated by the individuals. Thus, Cohen’s ethos proposition with regard to choice of job, pay differentials and the choice of effort in work cannot be applied to the formal structure, the basic reason why these ethos cannot be applied to the formal structure is that potential of the individuals, job satisfaction, choice of effort in the work are all personal and cannot be known in the public sphere.

Moreover, individuals themselves cannot know whether others agree with and collabourate with egalitarian ethos, or not. Thus, Rawlsian ground for the application of the principles of justice to the formal structure – the institutions – is right for Rawlsians. In that scope, it can be accepted by Rawlsians that, actual, particular rules that defines and regulates

the equalities in the formal structure can be difficult to be formed precisely but it does not mean that ethos will fill the gap behind this inadequateness of the definition of rules. Since the formulation of the ethos of acting justly is also questionable, imprecise, and unfeasible, which are based on some moral issues and duties applied to the personal choice and conduct; it is more preferable to live in a society that is partly just than in a society that is actually unjust, for Rawlsians.

Another Rawlsian response appears where Cohen objects to the incentives argument corresponding with the difference principle that, the difference principle is incompatible with Rawls's own aspiration to provide a conception of justice for a well-ordered society in which all citizens have a strong and normally effective sense of justice to support the conception of justice that regulates their social institutions, because for Cohen, the talented members of Rawlsian well-ordered society could not claim straight that it was necessary to pay scarce skilled ones extra to motivate them to work hard, or to talented ones to motivate them to work more productively, since the only thing that could make this necessary would be a decision on their part not to work productively for less money, and that is not a decision they could defend compatibly with a wholehearted commitment to the difference principle itself (Scheffler, 2006, p. 111).

Since Rawls refers to the incentive argument with the concern of compensating the costs with regard to the appropriate distribution of benefits and burdens of social cooperation (Rawls, 1999, p. 4), it is not the element of the principles. It is stated by Rawls himself as follows; these principles are to govern the assignment of rights and duties in these institutions and they are to determine the appropriate distribution of the benefits and burdens of social cooperation (1999, p.47). Incentives argument is to equalize these benefits and burdens of the social cooperation from Rawlsian point of view, even though Cohen claims that the incentives argument inequalizes / disequalizes individuals in terms of talents and qualifications.

In sum, according to Cohen, Rawls's account of justice permits too much inequality, and for him a theory of justice should be much more egalitarian. Rawls application of principles of justice to the institutions – the basic structure-, not to the personal choices limits his account of justice to the institutions. At the same time, Rawls asserts that people should act from the principles of justice in their personal and daily choices; and inequalities can be justified only if they are improving the conditions of the lives of worst offs. However, the application of the principles of justice to the institutions and persons' acts on the basis of these principles do not restrain people from behaving according to their own decisions and their own interests. Cohen criticizes that point of view regarding the demands of the talented ones in the society. For him, talented ones demand higher salaries, better conditions of work, not too high tax rates etc. and so inequalities must exist, otherwise, conditions would have a aversive effect on talented. As a result of this, they would decide not to work hard or to work in less demanding works.

The difference principle justifies inequalities in the society only if these inequalities make worse offs better off in the society; only if these inequalities turn out to be advantages for the worst offs in the society. Incentives argument, in this sense, is the tool of justifying inequalities in the society by transforming advantages of talented ones with the incentives argument into the advantages of the worse offs. The incentive argument, for Rawls, lead people work harder and more productive that improve the conditions of the worst offs in a fair well-ordered society. Cohen criticizes the incentive argument that talented ones prefer not to work productively if there are no incentives for them that enhance the inequalities in the society; which is inherent to the incentive argument of Rawls.

According to Cohen, coercive rules applied by the institutions to make society fair as it is envisaged by Rawls are not enough. There should be also an egalitarian ethos that informs individual choices to conform people to the advantage of the worse off. In other words, for

Cohen, the difference principle does not do anything else than justifying inequalities in the society in the absence of egalitarian ethos for the individual choices of people. The introduction of egalitarian ethos to individual choices makes possible a just society. I agree with Cohen's egalitarian critique of Rawls's account of justice mentioned in the chapter two, till he presents the egalitarian ethos. I claim that Cohen's proposition of egalitarian ethos is irrelevant from an egalitarian point to make an unjust society just, that I evaluate and elaborate my contention in the chapter four.

CHAPTER 3 – Two Other Contemporary Accounts of Justice:

M. J. Sandel and A. Sen

The chapter three is devoted to two of the contemporary approaches of justice which are presented by Michael J. Sandel and Amartya Sen. In this chapter I explore Sandel's communitarian approach of justice and Sen's capability approach in connection with the relation between equality and justice. Their accounts of justice are significant enough to present a worthwhile exploration of the relation between equality and justice, since they point out the inequalities as one side of the problems related to injustice.

Sandel's account of justice arose in opposition to commoditization of everything and atomization of society under the domination of liberal and utilitarian mentality, while Sen's approach arose in opposition to utilitarian and resourcist approaches of justice that are based on the ethical and philosophical considerations. Sandel's and Sen's accounts of justice differs in one sense that while Sandel leaves to solve the problems of injustice to the society itself by the revival of the civic virtues, Sen urges that ethical, moral and theoretical considerations of justice do not provide a solution to the current problems of injustice. Sen's capability approach differs from other approaches and theories of justice in the sense that it provides a specific applicable way of solution to the problems associated with inequalities and justice in any society that is called as capability approach.

Sen's capability approach focuses on human well-being on the basis of dignified and unique human life that all human beings have the ability to formulate and shape their own lives. According to Sen's capability approach, all human beings should have the capability to fulfill essential human activities and functionings correspondingly their own idea of good, and

assurance of their capability is the core assumption of his account of justice. In the first part of the chapter, Sandel's account of justice is presented by highlighting the relation between his understanding of equality and justice, and Sen's capability approach and his specific definition of equality as "basic capabilities equality" are explained and analyzed in accordance with the relation between equality and justice.

a. Michael J. Sandel's Communitarian Account of Justice

Sandel, in his book "*What Money Can't Buy: the Moral Limits of Markets*" 2012, has provided an insight of his interpretations on the liberal – market dominated and highly individualistic – society of the 21st century. In this book, by the criticism against the liberal understanding of self and market oriented way of life, Sandel provides an outlook, in his own way –communitarian way -, that market oriented way of live on the basis of extreme individualism abolishes the sense of the social justice and the attachment or the engagement of the persons to the society. This book is an important work that presents how societal relations and society has been transformed into a market oriented relations and a market society and that disengages the persons from the communal life, by ripping them off their own place - the community, by separating them from the virtues that he names those virtues as civic virtues.

He calls these societal problems identified in his writings as social ills. And, he proposes to identify the public philosophy implicit in the political practice, and to reconstruct its arrival; in order to do that it is needed to trace the advent of the Procedural Republic¹⁸, by which, he means, a public life animated by the liberal vision and self-image (1984, p. 92).

¹⁸ According to Sandel, the practice of the procedural republic has two broad tendencies foreshadowed by its philosophy; first, a tendency to crowd out democratic possibilities; second, a tendency to undercut the kind of community on which it nonetheless depends (1984, p. 93).

Sandel claims a type of communitarianism / republicanism as a response to the illnesses of the liberal and utilitarian political practices. Thereby, he proposes the revival of the conception of the republicanism on the basis of civic virtues.

The examination of contemporary liberal theory brought two salient conceptions out in Sandel's vision that are unencumbered self and the procedural republic which Sandel directs his critiques on the basis of these two conceptions. Unencumbered self is a self understood as prior to and independent of purposes and ends. For the unencumbered self, what matters above all, what is most essential to one's personhood, are not the ends persons choose but their capacity to choose them (Sandel, 1984, p. 86) According to Sandel, the conception of the unencumbered self is implicit in the contemporary public philosophy, the procedural Republic which has its origins in a certain version of liberal political theory. The main logic behind this political philosophy is the government's neutrality towards the moral and religious views.

All individuals in the liberal society has different tastes and preferences and they have the right to pursue their own goods and interests, there is no one way to live for all; thereby government should stay neutral, and instead of proposing a special way of life to the citizens by law, it should provide a framework for the individuals with respect to the rights and the liberties. In that respect, free individuals can choose what is good and the best for them, and then can follow their own goods and ends; this provided way of public life put the conception of procedural democracy forward as the contemporary public and political philosophy that Sandel objects (1996).

Thus, critical stance of Sandel against neutralist aspirations of liberals takes the ground in his communitarianism and his understanding of justice. For him, there are some issues such as abortion, same-sex marriage in which government cannot keep its neutrality

because of their moral foundations; there is no other way around to achieve a decision on these issues without referring to the moral concerns and moral philosophy that is beyond the neutrality of the state.

According to Sandel, there are three main approaches of justice. The first approach proposes that justice means maximizing utility or welfare – the greatest happiness for the greatest number. Justice means respecting freedom of choice – either the actual choices people make in a free market (the libertarian view), or the hypothetical choices people would make in an original position of equality (liberal egalitarian view) is the second one. The third one states justice involves cultivating virtue and reasoning about the common good which is the one Sandel is in favour of (2009, p. 260).

Utilitarian approach of justice, for Sandel, has two deficiencies: the first, it makes justice and rights of matter of calculation, not principle; the second, by trying to translate all human goods into a single, uniform measure of value, it flattens them, and takes no account of the qualitative differences among them (2009, p. 260). On the other hand, he states that the freedom based theories solve the first problem but not the second. They take right seriously and insist that justice is more than mere calculation. Although they disagree among themselves about which rights should outweigh utilitarian considerations, they agree that certain rights are fundamental and must be respected (2009, p. 261). However, Sandel objects the idea of people's all preferences are worth to respect without determining the certain rights to be respected. Sandel defines a just society in his terms with comparison to the ones he objects, as follows,

“According to these theories, the moral worth of the ends we pursue, the meaning and the significance of the lives we lead, and the quality and character of the common life we share all lie beyond the domain of justice. This seems to me mistaken.

A 'just society' cannot be achieved simply by maximizing utility or by securing freedom of choice. To achieve a just society we have to reason together about the meaning of the good life, and to create a public culture hospitable to the disagreements that will inevitably arise." (2009, p. 260).

Another statement which reveals Sandel's conception of justice is about the judgmental nature of the concept of justice, and this statement clarifies on what assumption his conception of justice is acquired that "justice is not only about the right way to distribute things; it is also about the right way to value things" (2009, p. 260).

Sandel differs from other contemporary philosophers in terms of his understanding of equality. While utilitarians focus on utility, and liberals focus on rights and liberties; Rawls has a special place here as a liberal egalitarian who focuses on some form of redistribution; Sandel focuses on the civic virtues. What makes him different is that he does not provide a definition of equality in the context he defends his claims. According to him, inequalities in the societies, especially the growing gap between rich and poor in American life results some problems, they are not only economical but also civic.

Public services provided for the people in any community, for Sandel, are the places people come together and the civic virtues flourish. He states that, institutions that once gathered people together and served as informal schools of civic virtue became few and far between, because rich people and poor people are differentiated in terms of their living spaces in terms of the economic circumstances they live in, while rich people prefer private schools to educate their children, for example, public schools have been left to the poor who cannot afford the private schools; it is the same in any public sphere of life such as public sport facilities and so on. Thus, economic inequalities are in themselves contradictory for the sake of the civic virtues for Sandel that is disruptive in the sense of solidarity, for Sandel; and, the

disruption in the public realm does not cultivate the solidarity and sense of community on which democratic citizenship depends (2009, p. 267).

Thus, it can be claimed that, inequalities in the society concerning justice is not a crucial problem that needs to be solved, for Sandel. Only in case of the reconstruction of the infrastructure of civic life a politics of common good would be taken as a primary goal. According to him, rather than focus on redistribution for the sake of broadening access to private consumption, it would tax the affluent to rebuild public institutions and services so that rich and poor alike would want to take advantage of them (2009, p. 267).

Additionally, he emphasizes that a more robust public engagement with our moral disagreements could provide a stronger, not a weaker, basis for mutual respect, instead of avoiding them; and, he claims a politics of moral engagement is not only a more inspiring ideal than a politics of avoidance, it is also a more promising basis for a just society (2009, p. 269).

b. Amartya Sen's Capability Approach to Justice

“Equality of what?” is the source that denotes Sen's understanding of equality that paves the way for his basic capability equality as the core of his understanding of justice. In this part of the chapter, Sen's basic capability equality and capabilities approach to justice is presented. Firstly, his conception of equality will be elaborated, and secondly, an overview of his capability approach will be provided to draw a framework of his understanding of justice.

Sen focuses on three types of equality in his analysis which are utilitarian equality, total utility equality and Rawlsian equality by arguing that three of them gave serious

limitations and they are individually or the combination of them are not enough to design an adequate theory. As a result of this, he presents an alternative formulation of equality and names it as basic capability equality.

According to Sen, an adequate theory of equality can be constructed. Since these three understanding of equality, all, have some limitations, they fail in rather different and contrasting ways, an adequate theory cannot be constructed even on the combined grounds of the three (1997, p. 476). For him, the thing missing in all this framework is the notion of “basic capabilities” that means a person being able to do certain things (1997, p. 484). These abilities can be considered as the ability to move, the ability to meet one’s nutritional requirements, the wherewithal to be clothed and sheltered, the power to participate in social life of the community and so on.

According to him, there are some notions and conditions that are not captured by utility or primary goods or by any combination of two. He states that *primary goods suffers from fetishist handicap in being concerned with goods, and even though the list of goods is specified in a broad and inclusive way, encompassing rights, liberties, opportunities, income, wealth, and the social basis of self-respect, it still is concerned with the good things rather than with what these good things do to human beings. Utility on the other hand, is concerned with what these things do to human beings, but uses a metric that focuses not on the person’s capabilities but on his mental reaction* (1997, p. 484). The missing element in the combination of primary goods and utility is the interpretation of needs in the form of basic capabilities; and this interpretation of needs and interests is often implicit in the demand for equality that he calls it as “basic capabilities equality” (Sen, 1997, p. 484). That is a sufficient basis for equality-aspect of morality which is concerned with needs rather than deserts as morally relevant dimension beyond the utility and primary goods (Sen, 1997, p. 485).

Shifting concern of Rawlsian equality from primary goods to what these goods do to human beings results the notion of the basic capabilities as an extension of the Rawlsian approach in a non-fetishist direction (Sen, 1997, p. 485). At the same time, he emphasized the difficulties aroused with the notion of basic capability equality like indexing the basic capability bundles as a similar problem of indexing primary goods in Rawlsian context. The basic capabilities equality, for Sen, even though the idea of the equality of basic capabilities is general, the application of it to any society varies in terms of weighting of different capabilities that are culture dependent. And, he separates Rawlsian equality from basic capabilities equality by referring to the fetishism of primary goods in Rawlsian point of view that are both culture-dependent.

Sen's basic capability equality is not the only guide to moral good, as it is stated by himself (1997, p. 485), since equality is not the only concern of the morality. He does not try to prove that all other ideas of equality are irrelevant or the basic capabilities equality is the relevant one; instead he argues that basic capability equality is a partial guide it has virtues that other characterizations of equality do not have (1997, p. 485).

Sen's capability approach is initiated by his work "Equality of what?" in 1979 and articulated in the 1980's. According to Sen, any theory of justice has to choose an informational focus, that is, it has to decide which features of the world we should concentrate on in judging a society and in assessing justice and injustice (2010, p. 231). Within this context, for him, it is substantial to have a view to assess individual's overall advantage. On the one hand, utilitarian point of view assess individual's advantage on the basis of individual happiness and pleasure and the comparison of it with others; on the other hand, resource-based thinking assesses individual's advantage on the basis of income, wealth or resources.

In contrast with the utility-based or resource-based lines of thinking, individual advantage is judged in the capability approach by a person's capability to do things he or she has reason to value (2010, p. 231). Thus it can be said that, capabilities approach, purported by Sen, is an informational focus to assess individual's overall advantage when judging a society and assessing justice and injustice. At the same time, it can be seen as a bridge between the theory and the policy that assesses the issues regarding justice and injustice. The capability approach is not a theory to explain poverty, inequality, or well-being, although it does offer concepts that can be used in such explanations. Instead, it provides concepts and, in its broader forms, normative frameworks within which to conceptualize, measure, and evaluate these phenomena as well as the institutions and policies that affect them (Crocker & Robeyns, 2010, p. 61).

The capability approach is an approach that takes individual's capability of achieving various combinations of functionings to compare and judge against each other in terms of what he or she has reason to value (Sen, 2010, p. 233). The capabilities that Sen mentions in illustrating his approach include many of the entitlements that are also stressed in the human rights movement: political liberties, the freedom of association, the free choice of occupation, and a variety of economic and social rights; and, capabilities, like human rights, supply a moral and humanly rich set of goals for development (Nussbaum, 2003, p. 36). Thus capabilities have a very close relationship to the human rights.

According to Sen, the well-being of a person is related to the quality of the person's being; living consists of interrelated functionings, consisting of beings and doings. In this respect, a person's functionings can be taken as his or her achievements. The relevant functionings can vary from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the

community, and so on. The claim is that functionings constitute a person's being, and an evaluation of well-being has to take the form of an assessment of these constituent elements. (Sen, 1992, p. 39)

According to Crocker and Robeyns (2010), capability approach can be employed in two ways: the narrower way and the broader way. In a narrower way, the capability approach presents what information is concentrated upon if how well someone's life is going or has gone is judged; this kind of information is needed in any account of well-being or human development. Because the capability approach contends that the relevant kind of information is that of human functionings and capabilities, the approach allows for interpersonal comparisons of well-being. In its broader uses, the capability approach is more evaluative in nature and often pays attention to agency and other explicitly normative considerations (Crocker & Robeyns, 2010, p. 61).

A person's well-being, for Sen, consists not only of his or her current states and activities - functionings, which may include the activity of choosing, but also of the person's freedom or real opportunities to function in ways alternative to his or her current functioning. Sen designates these real opportunities or freedoms for functioning as "capabilities." (Crocker & Robeyns, 2010, p. 63). Thus, a person to achieve or to do things he or she has reason to value needs freedom and capability to realize it.

According to Sen, this freedom is the agency freedom to achieve what a reasonable person or agent reasons to do it. However, the social, political and economic opportunities available to agents differ depending on the social, political and economic conditions of the societies that they live in. In this respect, social arrangements should extend the possibilities in terms of the agency freedoms and agency achievements by providing them freedom to decide and act (Crocker & Robeyns, 2010, p. 63).

Sen's position is that the right basis of interpersonal comparison for a theory of justice is neither the resources made available to the individual nor the quality of the mental states of the individual induced by what he or she does and becomes by utilizing those resources. Instead we should focus directly on the doings and beings of the individual, which Sen calls "functionings," and on his or her real freedom to choose among different possible combinations of these doings and beings (Arneson, 2006, p. 21).

In sum, for Sen, neither utilitarian nor Rawlsian equality brings justice to the society, what makes a society just is the understanding of basic capabilities equality by focusing on the quality of life. The approach takes each person as an end, asking not just about the total or average well-being but about the opportunities available to each person by focusing on choice or freedom, holding that the crucial good societies should be promoting for their people is a set of opportunities, or substantial freedoms, which people then may or may not exercise in action: the choice is theirs; it thus commits self to respect for people's powers of self-definition (Nussbaum, 2013, p. 18). It is a pluralist approach, in the sense that, the capability achievements that are central for people are different in quality, not just in quantity. Sen does not propose some account for basic justice although it has a concern of justice, that is why Sen does not propose some capabilities or a list of it even though he states some of the capabilities have the centrality such as health and education and Sen proposes that the idea of capabilities can be the basis for a comprehensive quality of life assessment (Nussbaum, 2013, p. 20).

In addition, the capability approach is provided for evaluative purposes by Sen by focusing on the information to make judgments about individual well-being, social policies, and so on. According to Sen, capabilities approach is not a theory of justice because it only provides the information on well-being that will be taken into account when making the judgments of justice in an evaluative manner (Crocker & Robeyns, 2010, p. 65).

CHAPTER 4 – The Relation between Equality and Justice

In this thesis, the main purpose is to analyze and evaluate the relation between equality and justice in contemporary approaches and theories of justice. I claim that even though contemporary theories of justice point out inequalities as one side of the injustice, they do not provide satisfactory solutions to the existing inequalities. The theories and approaches focused on the thesis, that are Rawls's theory of justice as fairness, Cohen's egalitarian critiques of Rawls's theory of justice, Sandel's communitarian account of justice, and Sen's capability approach, do not present a satisfactory account of the relation between equality and justice.

In one way or another, the political thinkers and the scholars are trying to find the ways to cope with the results of the capitalism. Negative results or effects of capitalism reveal themselves in socio-economical inequalities in any capitalist society. Since inequalities are embedded to the socio-economic structures, it is not possible to ignore the relation between inequalities and justice. In this respect, thinkers and scholars take inequalities into consideration in their accounts, and by redefining the concept of equality they establish their own standpoints on justice. The main point they fail to notice is that inequalities continue to exist no matter for which angle it is looked at. Since inequalities are inherent to capitalism, inequalities continue to exist as long as capitalist relations continue to govern social, political and economic spheres of life. That makes injustice a common / normal phenomenon of the lives of people.

I argue that inequalities are not acceptable for a just society that requires equality, so as to elaborate this claim I divided thesis into four chapters. In the first three chapters, I

presented the main points and components of the accounts of justice chosen for the thesis. In chapter four, I provide an egalitarian review of the accounts of justice that are outlined and explained in the previous chapters. To make my egalitarian standpoint clear, in the first part of the chapter, I, first, explore the idea of equality; and in the following part of the chapter I assess the relation between the equality and justice in the relevant accounts of justice from an egalitarian point of view.

a. Equality

The idea of equality ranges widely. When it becomes the topic of a discussion everybody defines equality in different ways, because the understanding of equality highly depends on people's point of view. And each statement added to the explanation of equality pave the way to a new perspective of understanding of equality. Whatever the statement, or explanation, or perspective is, modern men / women of the contemporary democracies agree on one thing at the equality is that all human beings are equal in front of the law. In that sense, being equal in front of the law can be understood in the same way as a requirement of the modern democracies, but then, what is equality?

Equality in general can be seen as a kind of qualitative relationship between the things, or people or some objects that they have to have something in common or have to have same characteristics. For example, each one liter bottle full of water has equal amount of water in them, or different colours same model shirts can be in the equal size. Whatever their characteristics are, because of the same features are shared among them, makes them comparable in the sense of equality. So, it can be said that when there is something common or specifically same, the idea of equality can be one of the concerns of contemporary political philosophy and contemporary politics in a pragmatic manner. Consequently, persons are

equal, in the sense that, they are all human beings, even though they have some different personalities and capacities; and, they deserve the same level of treatment.

According to Nagel, contemporary political debate recognizes four types of equality: political, legal, social and economic, and the first types of equality political, legal, and social cannot be defined in formal terms. For him, political equality is not guaranteed by granting each adult one vote and right to hold public office. Legal equality is not guaranteed by granting everyone the right to a jury trial, the right to bring suit for injuries, and right to counsel. Social equality is not produced by the abolition of titles and official barriers to class mobility. Great substantive inequalities in political power, legal protection, social esteem and self-respect are compatible with these formal conditions. It is a commonplace that real equality of every kind is sensitive to economic factors (1991, p.106). Thus, on one hand, a minimum social status to everyone may be provided and guaranteed by formal institutions; on the other hand, big differences in wealth and income will produce big distinctions above that – distinctions that may be inherited as well (Nagel, 1991, p.106). Nagel's interpretation of equality proposes that economic factors, whether they are inherited or distributed in some manners, has a leading role on the equality of every kind; and guaranteeing minimum social status to everyone by formal institutions is not a determinant of equality in the society where wealth and income differences are present.

As it is mentioned above, as a truth known by all, people are equal before law, and this equality before law corresponds the first three types of equality of Nagel either as a mean, or as an end. It means that, before law each man / woman is equal and equally treated free from the titles that they are engaged from birth or gained or entitled later on, they have the same rights and freedom. However, the point is that the contemporary world provides a way of life that feeds on the contributions of individuals whose capacities and talents are different. In other words, the distribution of income and goods in the society is contribution based, and

every member of the society gets his or her share with regard to his or her contribution to the economy. Contribution based distribution, however, creates inequalities on the level of the lives and the income between individuals who are all the members of the same community. This is the economic side of the idea of equality. The differences in economic welfare or conditions creates big differences by deepening the inequality between people socially, politically and economically, even they are both equal morally and equal before the law.

For Williams, all human beings are alike not in the sense of capabilities; instead, with respect to the capacity to suffer, and certain needs that people have, which involve them in moral relations as the recipients of certain kinds of treatment (1973, p.101). In other words, human beings are unequal naturally in terms of their capacities or abilities; they have different capacities on different things; such as, while one is able to run fast, the other one is not, or while one can sing, the other one can paint. And these inequalities create different ends. Each individual in the society contribute to the common good unequally with regard to their abilities and capabilities that differentiate them in political, economic and social spheres of life. Even they are morally and virtuously equal, that doesn't make them equal in society.

The natural inequalities lead the assumption that who contributes more who should get more from the social good or cake that is created by all that is based on the dominant utilitarian understanding of the distribution. However, this assumption generates a controversial discussion in any society with regard to justice and equality.

At first glance, it is accepted that individuals are 'equally unequal' because they are not good in everything. It means, every individual has different capacities on different things, and participate to the production of social and economic good from different areas of the economic realm. One who cooks well, contributes to the whole cake by cooking, it does not mean she also build up highways, or it does not mean a pilot don't teach math in the primary

schools. Human beings are not only naturally unequal, but also equally unequal. Individuals are only able to contribute to the social good from one side on the basis of their capacities, and to fulfill it by their abilities.

However, having some abilities is not enough to participate to the economic activity, individuals need some other services provided by others to improve or to develop their capacities, abilities or talents, to use them and to contribute to the social good to get more share from the cake. Here, the question arises that what makes one of the contributions superior to other ones? In other words, what does make one economic activity more valuable than others which generate wage differentials? The answer can depend on the conditions of work, working hours and so on; and, the most basic answer of the question can be who works more and harder gets higher levels of wage, who is more talented and qualified gets higher levels of wage. This answer is satisfactory at first glance, however it follows another question. If Wright Brothers did not spend time on invention of airplane; would pilots be able to get salary from his occupation? If airplanes never get invented, there would not be an occupation for someone as named pilot. To clarify this discussion regarding the questions asked previously, the following explanation is necessary.

All the knowledge referred and all the goods used today are the accumulation of work and knowledge of generations for centuries. Not only the goods and the knowledge are the results of the accumulation process for centuries, but also the society that persons live within it, the institutions that govern the societies, the political regimes that form the governments of these societies and the economic systems that is engaged with the political systems of the societies are all the results of this process. Vocations, professions and professional occupations emerged within this context in tandem with each other. In other words, in the process of evolution of societies and political and economic systems, institutions, or any social and economic system, or any profession did not emerge independently, one

improvement in one sphere of economic or social realm led another improvement in the relevant sphere; and concordantly, different professions and vocations has emerged interrelated with each other. It means that, the absence of the one element in any sector of the society results some deprivations of other elements both in the same and in other sectors as a result of the division of labour. In other words, the division of labour is inherent to the any sector any realm of the current social and economic systems that the absence of the one of these elements results some problems in the operation of the systems in any society.

In this respect, the organic nature of the societies that stems from the interdependence of formal and informal institutions needs to sustain division of labour that is embedded in it. Economics to regulate needs that division of labour between the sectors, and societies to maintain need that division of labour in the economics. In that sense, the interdependency between the institutions, the result of the same process of evolution, does not provide superiority to one of them over others, because of the absence issue of the elements that results disputes of the operation of the system.

Within this context, huge wage differentials among the professions or job positions address a questioning on the relevancy of the wage differentials. Persons as the members of the society take part in the economic activity to produce social good and get different salaries, even though the labour they have spent is equally important for the sake of the society. The egalitarian point of view I propose in the thesis that wage differentials are irrelevant for a just society, because labour spent on any occupation by any person is equally valuable and deserve the equal treatment by the equal distribution of income. That is, human beings as persons are equal; the labour they spent for the productive activity of the society is equally valuable because of the interdependency of the positions in the division of labour.

The only justification of wage differentiation can be the qualification of the persons. In the case of qualifications, some professions requires special education and training to be able to work in this position, and the extra time and the money spent for the education to get necessary qualifications can arise some expectations to get higher salaries in that work. However, in current societies persons born into some socio-economic conditions that are not equally situated, and social and economic opportunities to improve their skills, or to get some qualifications that are not equally distributed; consequently, because of the unequal distribution, not all goods and services are equally available for all and not all of the persons are able to benefit from them equally that is not just from an egalitarian point of view.

As a result of that, even if wage differentials can be justified in terms of the work conditions or personal talent and qualifications in a liberal context, the social and economic inequalities that are inherent to the social structure do not justify them with regard to availability of the conditions for all to improve their skills in an egalitarian context. Also, labour of every individual is equally valuable for every person in the society and there is no profession is superior to others, wage differences or unequal distribution of income is a contradictory condition to the justice from egalitarian point of view; because unequal individuals (and they would not be different individuals if they were not unequal) are measurable only by an equal standard insofar as they are brought under an equal point of view, are taken from one definite side only — for instance, in the present case, are regarded only *as workers* and nothing more is seen in them, everything else being ignored (Marx, 2009, p. 10).

Thus, it can be justified in a reasonable manner under an equal standard, only if “...enslaving subordination of the individual to the division of labour, and therewith also the antithesis between mental and physical labour, has vanished; after labour has become not only a means of life but life’s prime want; after the productive forces have also increased with the

all-around development of the individual, and all the springs of co-operative wealth flow more abundantly - only then can the narrow horizon of bourgeois right be crossed in its entirety and society inscribe on its banners: From each according to his ability, to each according to his needs!” (Marx, 2009, p. 11).

In other words, in each sector of life the cake produced by all is not only a product of today’s individuals or does not belong to ones who are more talented or qualified. Consequently, it does not mean who are more advantageous in the society with their improved skills and qualifications, or who are naturally privileged with their talents deserve to earn more and get higher shares from the cake socially, cooperatively produced. Thus, the first and the foremost requirement of justice is equality from an egalitarian point of view that is based on the equality of the material conditions.

The interdependence of the society that produces goods makes it impossible to decide who deserves what is one side of the inequalities that is embedded to the social structure. The other one is related to that people are born into different conditions of life. Some of them are born into welfare, while some others are born into deprivation, which steers their lives and their life prospects. The inequality between those people who are born into different conditions is one of the most important aspects of the gap between the rich and the poor. Better life conditions and opportunities are in a way inherited from their parents for those who are born into welfare; while, on the other hand, deprivation is inherited for those who are born into disadvantageous conditions.

These inherited material inequalities are not only related with the material conditions of the people, they are also related with the freedoms of these people, social status and self-realization. It is not deniable that the inherited material conditions that are either advantageous or disadvantageous have a great impact on the choices of people. While one is

born in prosperity can choose to study in the university or choose to work in a position that she thinks it is the most suitable for her, the one who is born in deprivation may not study in the university because it requires some financial and substantial resources or has to work in any position to meet her basic needs. This inequality raises the question of freedom of choice. Are those two persons equally free to choose? I claim that, No they are not equally free to choose.

The advantageous one can choose to study or not to study or can choose to work one or another position, and whatever she chooses her basic needs are guaranteed by her inherited material conditions. On the other hand, the disadvantageous one has to choose either to meet basic needs, or not in the first place, and then may choose some other alternatives. Even though both of them are free to choose one of these alternatives, they are not equally free to choose what they reason to do. Thus, I argue that, material inequalities does not only shape their material conditions of lives, also they form the freedoms of individuals in any society corresponding to their material conditions. Also, all human beings have different talents and mental capacities, even some of them are disabled, and that makes them unequal from birth. Thus, these inequalities are getting multiplied by the material conditions they are born into. And, all human beings, even they have similar talents and mental capacities, are placed in some socio-economic classes in correspondence with the material conditions they are born into. I state that a society, that any kind of inequalities is embedded in, cannot be just.

A just society requires equality of material conditions. Within this context, first and foremost requirement of a just society is that persons should be treated equally only because of they are all human beings. Because they all deserve to live a good life, the equality of basic material conditions should be guaranteed by the redistribution of the goods in the society. Freedom is the most basic virtue of life for any human being, and basic freedoms should also be guaranteed in the society for all. Because inequalities in the material conditions restrict

personal freedoms, basic material conditions should be guaranteed for all that both provide and guarantee “freedoms for all”. I claim that, inherited material conditions along with the unequal talents and mental capacities enhance and strengthen inequalities in the society, and they do not only form or limit the conditions of lives of people, but also the scope of freedoms that all persons equally deserve to enjoy. Thus, I argue that, justice requires equality, and a just society requires equality of basic material conditions for all

b. On Contemporary Theories of Justice

The first contemporary theory of justice analyzed in the thesis with regard to the conception of justice is John Rawls’s theory of justice – Justice as Fairness. I object to its liberal egalitarian approach by stating that Rawls’s two principles of justice do not meet the requirements of a just society and Justice requires greater equality than Rawls’s liberal-egalitarian state can deliver. Here, in this section of the thesis, I will present my egalitarian critique by taking criticisms and explanations covered in the previous chapters into account.

The first objection to Rawls’s theory of justice is to the original position that hypothetical parties, who are under of veil of ignorance, come together and make a hypothetical agreement on what principles to apply to the society to make it just. Rawls’s theory of justice and its components are criticized by many thinkers and scholars; some of them are presented in the relevant chapters of the thesis. In the liberal context where the rights and liberties take the most important place in the core, it is not striking to place rights and liberties in the very first place of a theory that is what is in the case of Rawlsian liberal egalitarian theory of the justice. Rawls’s egalitarian concerns let a veil of ignorance to the hypothetical contractors in the phase of the hypothetical agreement. By this way, parties are freed from their social, economic and political entitlements to make fair decisions to achieve a

fair well-ordered society. Otherwise, their entitlements like status quo, personal interests, race, religion, sex, and so on, would lead them other way around to follow their own preferences and self interests while they make decisions for the good and fair society of all. Thinkers and scholars have criticized this component of the theory from different perspectives by focusing on different sides.

However, there is one point that any of them pointed out, including Cohen who is expected to question the theory also from this perspective as an egalitarian, which is about what these hypothetical parties are. Hypothetical parties know what general interest of the society is, they have the general knowledge about sociology, economics, politics, social and natural sciences. They are also rational that is interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends (Rawls, 1999, p. 12). So, these people are not ordinary people from different segments of the society who come together and render a decision. These people with their rich intellectual background are rational and reasonable enough to make decisions that is fair for all in the society. That generates an egalitarian objection regarding the elitist concerns. In other words, I claim that elitism penetrates the theory in the very beginning of Rawlsian theory of justice from an egalitarian point of view.

Hypothetical parties or contractors are not random ordinary people with their very distinguished features by Rawls who are able to make decision for all members of the society, and these decisions - principles of justice, then, apply to the major institutions of the society to regulate the discrepancies caused by the inequalities. Ralph Miliband's power elite¹⁹

¹⁹ The power elite was defined as comprising those persons who wield corporate power by virtue of their control of major industrial, commercial, and financial firms; and the people who wield state power (Paul Wetherly, Clyde W. Barrow and Peter Burnham, 2008, p. 11). According to Miliband, cohesion of the dominant class, and particularly its power elite, depended on its control of '*the three main sources of domination*: control over the means of economic activity...control over the means of state administration and coercion; and control over what may broadly be called the means of communication and persuasion. (Ibid. p. 11).

conception well suits the description of the hypothetical parties of Rawls who are persons whose decisions are influential in spheres of economic and political activities and state administrator to regulate institutions and apply the principles to the society by the terms of institutions.

Although Rawls's veil of ignorance is an attempt to avoid parties from using their advantages or privileges they already have, these privileges and features attached to the parties are what bring these parties to the level of being parties of the hypothetical contractors. Within this context, I claim that the organization of the people who makes this hypothetical agreement place those people in a different place than the ordinary people who do not have the same features with them is an elitist approach; and this does not bring the equality to the society within the equal standards for all; moreover, it reproduces the structures already exists in the social and economic system that reinforces the inequalities in the society. Thus, from this point of view, Rawls's fair well-ordered society regulated by the institutions in consideration of the hypothetical social agreement held by parties who have some specific features does not correspond with the idea of a just society in the egalitarian context.

After John Rawls guarantees basic rights and principles in the first principle of justice in the original position that is the initial and appropriate status quo for rational people, who are mutually disinterested, and the agreements and decisions taken in that position is fair in the sense of justice that is fair (Rawls, 1999, p. 11) has already rejected from an egalitarian point of view. Rawls proposes fair equality of opportunities as the first component of the second principle of justice. Fair equality of opportunities is the first principle with reference to the idea of equality in Rawls's liberal egalitarian theory of justice, which is differentiated from the classical liberal understanding of equal opportunities by focusing on preventing discrimination and enforcing open positions to correct social disadvantage – social class differences and maintaining equal opportunities of education for all (Rawls, 1999, p. 63).

While he proposes this principle, he aims to guarantee equal access to the positions by all who belong to different socioeconomic classes but equally talented and qualified for the open positions as one of the ideal conditions of a well-ordered society.

However, this differentiation does not make sense from an egalitarian perspective, not only because of the inequalities stem from the socio-economic conditions of the persons, but also because of the structural differences in the services, like education provided by both public and private sectors. I argue that the absence of the standards of the equal conditions in the society does not let fair equal opportunities for all. For example, there are actual differences between a child who is getting his education in a private school, and a child who is getting his education in a public school; because the conditions of these schools are different, their skills and their talents are not getting improved in the same level and, consequently, their qualifications in the end differ, even though they have similar talents and capacities in the beginning. Thus, opened positions for all regarding some talent and qualifications do not generate the equal opportunities for all. In this respect, fair equality of opportunities principle does not go beyond being of a liberal egalitarian myth.

It is hypothesized and claimed in the thesis that difference principle doesn't serve the well being of all in the society by benefiting the least advantaged of the society; on the contrary, the "difference principle" justifies inequality by offering new way of distribution or regulation of wealth and income. On critique of the difference principle with reference to incentive arguments is agreed with Cohen. Cohen presents two critiques against the principles of justice by mentioning that he is not objecting the difference principle itself; the first point he criticizes is its application to the institutions to the formal sphere; and, the second point is related to the incentives argument that encourages the selfishness of people.

The difference principle is the last principle of justice in a lexical manner of Rawls's theory of justice. For him, without providing the previous conditions of the principles the difference principle cannot be applied. The first condition to apply Rawls's theory is to achieve a developmental level, in other words, the country is supposed to be developed and to be achieved a level of welfare; only after that, the theory of justice – justice as fairness comes into question and can be applied to reality. Hypothetical social agreement made by parties under veil of ignorance in the original position takes the first place, and lexical principles of justice follow this process and Rawls's fair and well-ordered society arise from the application of the difference principle to the major institutions as the final step. According to Rawls, "we cannot possibly take the difference principle seriously so long as we think of it by itself, apart from its setting within prior principles" (Rawls, 2001, p.46).

The difference principle justifies inequalities in the society with reference to the idea that if these socio economic inequalities, already exist in the society, work out for everyone's advantage by recovering the conditions of the least advantaged ones by the institutional reorganization and the regulations. For Rawls, those inequalities create fair ends in the society – justice as fairness. However, justification of inequalities is not acceptable from my egalitarian point of view. As Cohen states, it is nothing else than the masking discrepancies in the society that stem from socio-economic inequalities. Yet, the agreement with Cohen gives its place to contradiction with him as to when his ethos proposition comes to the fore. From an egalitarian point of view, I propose that, any kind of justification of inequalities is intolerable, whereas ethos proposition tolerates the inequalities in the society even it is proposed for the sake of the least advantaged ones and badly offs of a society.

Incentives argument can be summarized as paying incentives / differentials, which is offered for the jobs that are less demanded, jobs with hard work conditions or long working hours, and do not require some special talent based qualifications. That is offered for the

people they are scarce talented and already in the group of least advantaged ones. By incentives argument, it is aimed to pay more to these scarce talented - least advantaged people in case they work in this kind of positions. That is for everyone's benefit because these people would be employed and earn more than the previous situation, and the fulfilment of these positions and jobs would result benefiting all in the society.

For Cohen, incentives argument encourages the selfishness and it leads people behave in another way, that rich to hold its advantaged position in the society refuse to work harder if it is not beneficial for themselves, or work in positions that are less demanding for their talents; and least advantaged but talented individuals can work harder and keep their disadvantaged position. Cohen's ethos proposition is to overcome or to remedy the deficiencies generated by the difference principle to avoid selfishness of people that is mediated by formal institutions. His strict principle, for him, the combination of the application of the difference principle to the formal institutions and the articulation of ethos to the personal choices can promote a more just distribution what the rules of economic game by themselves can secure in the society. His attempt to apply the principles of justice to the personal choices is understandable, because he thinks the obedience to the rules governed by institutions requires willing of people.

However, without changing unequal current living conditions of individuals and without providing an equal standard for all in the society, setting up rules and applying them by the capitalist institutions and recovering the deficiencies by some ethos to make everyone believe it is just and obey the rules and the ethoses to confirm whatever they do is their own will, is not anything else than the illumination of justice. That reproduces inequalities and socio-economic and political structure that already dominates own lives of every person in the society without providing them an alternative way of living which is equally deserved by all. And, the difference principle does nothing for justice in the society from an egalitarian point

of view, I claim, except enhancing the inequalities in the society by a reasonable justification in the liberal context by assuring their own living conditions.

Thus, offered compensation, by the theory based on the fair equality of opportunity and the difference principle, for worse offs of the society is not acceptable for my egalitarian account of justice, since it does not go beyond the reproducing the structure and the capitalist system itself. In addition, even though Cohen's egalitarian critique of Rawls presents an egalitarian critique, his interpretations of the difference principle regarding ethos does not correspond with the egalitarian assumptions of a just society that is based on the idea of equal standards for all. This is the point I disagree with Cohen and with his egalitarian account of justice.

With regard to Cohen's interpretation of difference principle and his ethos articulation, it can be also claimed that designating ethos to make people willingly accept and obey the principles of justice is a controversial issue for ethnically and religiously diversified societies to make these diversified groups meet on the same ground that again needs some structural changes, since their identities, beliefs and preferences tolerate different values and conceptions for a just society. In that sense, any regulation or application of principles of justice without emancipating human beings and providing those equal standards of life, it is not possible to make a society just based on equalities. In a nutshell, Rawls's liberal egalitarian theory of justice does not bring equality-based justice to the society by justifying inequalities; hence, justice requires greater equality than Rawls's liberal-egalitarian state can deliver.

Sandel is the second contemporary political philosopher, whose idea of justice is examined in the thesis. Sandel's critique of highly individualized, commoditized and marketized society provides the foundation of his understanding of justice. It is worthwhile to

emphasize that Sandel does not have a theory but an approach to communitarian understanding of justice. As a communitarian, Sandel focuses on the values that keep people together in the community. Yet, for him, community is not only an organization where people come together and inhabit all together. On the contrary, communal life for him, on its organic basis, is a construction of values, virtues, morality that is shared by the members of that community. His critique directs to the transformation of societies into market societies by the hegemony of market economies.

Sandel's critique accurately points out the main problems caused by the commoditization of everything. It is accurate that free market economies all around the world commoditize everything not only goods, services and material things that are available for the use of people, but also values emotions that require moral and ethical consideration, for Sandel, and he gives the example of surrogate motherhood that cannot be sold but is being sold as a commodity. In other words, markets degrade *everything* into commodities that can be sold and bought. Sandel considers this commoditization and atomization of individuals that is the outcome of market societies as a threat to social justice. For that reason, he asserts to resist against it to stop degeneration of the society.

For Sandel, the widening gap between the rich and the poor in the United States is not only an economical problem; it is, also, a problem caused by the degeneration of the societies on the basis of individualism under the corruptive influence of the markets. Therefore, due to the superiority of the community - communal life and civic virtues over other societal issues in Sandel's thinking, equality is not committed to a reason as the cause of the injustice in the society. Within this context, Sandel did not emphasize the concept of equality in his understanding of justice. He does not ignore or reject that inequality exists in the society as a problem; however, since he accepts the transformation of community into the market society

as the main reason of societal problems regarding justice, he offers the solution of revival of the communal civic virtues to remedy the discrepancies resulted by market.

As long as the commoditization of everything continues in the same pace, for him, economic inequalities matter more. For him, money becomes more and more important because commoditization of everything changes the meaning what a good life is; and this newly established understanding of good life such as good education, good health care, and influence and so on, requires more money to get access them, thus inequalities matters in that society. Therefore, he does not offer an actual remedy to inequalities in the society, or not provide a counter-measure for the inequalities; instead he prefer the revival of the civic virtues as a remedy to the market societies, in order to avoid social atomization and the corruptive effects of markets on societies. Thus for him, social cohesion under the guidance of civic virtues accompany with his understanding of justice.

Even though Sandel does not accept inequalities as the problems in themselves and does not provide a solution to inequalities in the societies in consideration with his understanding of justice, his critique of current market society understanding and the dominance of market on the lives of people and the societies presents a substantial analysis of the current situation of capitalism and its reflection on societies. I assert that, equality is the core of the understanding of justice, so counting equality as the secondary issue is not an acceptable position regarding the social justice.

Leaving society by itself by the guidance of some civic virtues, and allowing it to remedy itself, then waiting for the social cohesion to bring justice in its own terms is not a structured understanding of justice. Within this context, understanding of justice varies from society to society, from religion to religion, on the basis of the dominant or socially accepted virtues. In that case, if social classes are necessary for the social cohesion of any society that

is in its traditions and history, and if it is necessary for the survival of the communal life and social cohesion in society, on the basis of the relevant virtues in their culture and in their traditions; and if people agree on these virtues, this class society is just whether persons are equal or not.

As it is mentioned above, my account of justice requires equality by providing equal conditions for all persons, who are the members of the society. Any societal dogmas and understanding of social cohesion as the foundation of the justice in the society maintain the mechanism behind the inequalities that is inherent to the social structure and reproduces it with its own transcendental components. Hence, the main point to take into consideration for a just society is equality.

There is one common point in Sandel's communitarian approach of justice and Rawls's theory of justice is that both of them are made for specific conditions. In other words, Sandel's approach is for America, because he analyses the current conditions in the societal and economic spheres of USA and figures out the problems and then offers his solution to it. As, Rawls applies his theory to a country it is already developed and reached a level of welfare. Both of these approaches do not assess their assumptions to the developing countries or least developed countries. In the Rawlsian context, developing countries or least developed countries are out of context to evaluate whether they are just or not. On the other hand, Sandel's account of justice would be questionable for countries consist of different ethnic and religious groups; even it would be vulnerable for countries that the rights and freedoms are not guaranteed for all.

The last contemporary account of justice outlined and overviewed in the thesis in terms of its understanding of equality is Amartya Sen's idea of justice that he himself states that it is not a theory; rather it is an approach on justice. Sen's position on the understanding

of justice can be classified as pragmatic with regard to his critique of Rawls theory of justice that is based on his discussion on the transcendental institutionalism and comparative perspective. This discussion Sen commenced has a special place in the political philosophy and the political theory since he offered a pragmatically applicable method on evaluation of injustice in any society on the basis of capabilities approach; and it is already taken into consideration and employed by United Nations Development Program in the context of human development.

His definition of equality, called as “basic capabilities equality”, that a state of affairs in which each person equally has the capability to attain all of designated important basic types of functionings, and so is able if he chooses to function at a good enough threshold level with respect to each and every one of the types of functionings deemed basic or essential (Arneson, 2006, p. 19). However, as it is stated by Arneson, the problem with functionings is that there are too many of them (Arneson, 2006, p. 21). That is, functionings depending on the individuals vary; as a result of this, different person’s capabilities become incomparable.

In the first section of this chapter, comparability of the same kinds is accepted wherein equality is defined.²⁰ I claim that diversity of the functionings that depend on the individuals may eliminate the concerns of equality in Sen’s context of understanding equality and justice. However, Sen’s stance on issue of equality cannot be accepted from an egalitarian point of view due to two reasons. First reason is that, the functionings as a component of his definition of equalities abolishes the comparability among people that a theory of justice that measures people’s condition by the means and resources they possess must judge the two individuals to be equal in resources, but this assessment is overshadowed by the very unequal extent to which the two persons are enabled by their resources to achieve aims they affirm and have

²⁰ In the thesis (p.56), when equality is defined, it is stated that “*Equality in general can be seen as a kind of qualitative relationship between the things, or people or some objects that they have to have something in common or have to have same characteristics.*”

reason to pursue (Arneson, 2006, p. 20). Second reason is related to the societal structures of the relevant societies which have already applied capability approach as an evaluative tool.

Socio-economic inequalities are structural problems from an egalitarian point of view, which exist any capitalist society and stands for the reproduction of the capitalism. In other words, inequalities are inherent to capitalism. Capitalist economy both creates inequalities in the society as a result of its exploitative feature, and maintains these inequalities to reproduce the system itself. Within this context, state and economy works hand in hand in economic, social and political realms. Institutions established within the capitalist system, consequently, are organized to regulate and the maintain system itself.

Thus, trying to remedy inequalities by some policies or by some regulations that are organized by the institutions does not equalize people in the society, rather by recovering their basic needs or providing them some capabilities on the basis of the functionings, inequalities would be reinforced that reproduces the capitalist system. Hence, it can be said that even though Sen's capabilities approach with regard to justice and developmental issues may provide some solutions in the short term for the disadvantaged ones in the society. Since these solutions do not address the problems that are ingrained to the socio-economic structure of any capitalist society, in the long run inequalities would sustain.

Sen's capability approach and basic capabilities equality may serve as an evaluative criterion or method to determine some policies to make conditions better for poor, or disadvantaged people, or for people they do not have the capabilities to realize themselves, but does not remove inequalities in the society, and does not bring equal economic conditions for all in the society that is what justice requires from an egalitarian point of view. In a nutshell, Sen's capabilities approach is not enough egalitarian to make a society just, not only because of his definition of basic capabilities equality that omits the idea of equal standards

for all, but also because of its subjective construction of functionings that vary from society to society.

Justice requires equality is an assertive proposition that purports radical alterations both in minds of people and in the material conditions that are structured and well established in centuries. Individuals, as citizens, are not only atomized and separated from each other, but also alienated from their own beings. Competition in any sector of the social life turned into a normal ordinary phenomenon by stemming from economical understanding of efficiency. As Sandel has mentioned his critiques of current societies, everything is marketized and commoditized.

Success, beauty, arts - all turned into commodities which are valuable in comparison with something else of its kind. For example, if someone wants success, pays for better education, and gets it. If someone wants to be beautiful has some surgeries and becomes beautiful because even beauty has a figure of beauty created by market. If someone has enough wealth and financial assets, he or she can buy anything she wants to, including education success, beauty and so on. On the other hand, the wealth of the rich ones is dependent to existence of them, learns to live by dealing with the conditions they were already born with.

These inequalities, the differences between material conditions of rich and material conditions of poor, and their dependency to each other can be presented in so many ways. However, here the point that these inequalities are not just and acceptable from an egalitarian point of view, and justice requires equality. Egalitarianism, in the meaning promoted in the thesis, proposes greater equality than Rawls's egalitarian theory of justice, Sandel's approach to justice and Sen's capability approach. And, it is purported that remedies to solve some of the problems to make living conditions better for some people, and waiting for the revival of

the civic virtues to recover social illnesses and bring justice to society do not provide greater equality to the society which reproduces the capitalist relations and system. Thus, I conclude that all of these accounts of justice fall short in accordance with the relation between equality and justice from an egalitarian point of view that I presumed.

CONCLUSION

I assume that injustice as a societal phenomenon is the embodiment of the socio-economic inequalities that exist in any contemporary society. The interdependence between concepts equality and justice makes them inseparable parts of a whole. That the absence of equalities deduces the problem of injustice by the inadequacies in the society resulted from inequalities. Moreover, inequalities take place in any account of justice in contemporary political thought. Even though different accounts look at justice from different angles, interpret it from different perspectives, and provide different solutions to inequalities on the basis of their own propositions; the only common thing among them is inequalities.

Accounts of justice, examined in the thesis, emphasized inequality as a social phenomenon and interpreted it from different angles. Even though they reach different conclusions on their accounts of justice, socio-economic inequalities are accepted by them all as a problem that needs to be pointed out. My goal in this thesis is to assess main contemporary theories of justice and approaches to justice from the point of view of their relationship to equality and to present reasons why they do not offer satisfactory solution to the problem of the growing inequalities between the rich and poor. And I suggest equality of material condition as the appropriate understanding of equality that should be adopted in a theory of justice, which would address the challenge of the widening gap between the rich and the poor in the developed and the developing societies, and between the rich and the poor societies. I analyze three contemporary accounts of justice in the thesis, which are: Rawls's theory of justice –justice as fairness, Sandel's communitarian account of justice, and Sen's capability approach with regard to the relation between the equality and the justice. And I

evaluate their accounts of the relation between equality and justice on the basis of my understanding of equality that requires equal standards for all.

Rawls's liberal egalitarian theory of justice takes the most important place within the scope of the thesis, since his principles of justice, particularly the difference principle, justifies inequalities in the society. That is why the most of the criticisms are devoted to Rawls. The first point that I object in the Rawlsian context of justice is the arrangement of the hypothetical parties. To reorganize a fair and well-ordered society hypothetical parties come together and make a hypothetical agreement in order to determine or describe principles of justice. Hypothetical parties are assigned to make hypothetical contract should have some specific qualifications such as knowledge of economics, politics, and sociology and so on.

However, in any society not all the individuals have the necessary knowledge to be appointed as a hypothetical party; since, firstly, they all do not have equal talents, mental capacities and abilities to get the vast knowledge; secondly, they do not have the sufficient conditions to improve their knowledge even though they have more or less similar abilities and mental capacities. In this respect, these hypothetical parties or contractors already have differences regarding their qualifications. I assert that from the very beginning of Rawlsian account of justice, the arrangement of the hypothetical parties prescribe an elitist version of social organization. This elitism penetrated to the theory is not relevant to the egalitarian considerations of justice, because these qualifications stem from inequalities between people and taken for granted. People with those granted qualifications make decisions for the rest of the people in the society. In this respect, Rawls's egalitarian vision of a fair well-ordered society does not provide a satisfactory sufficient account of relation between equality and justice.

“Fair equality of opportunities” and “the difference principle” are the main principles that I object in the Rawls’s theory of justice. Rawls purports that by preventing discrimination and enforcing open positions to all, equally talented and qualified persons give them equal opportunities that are fair in his vision. However, I argue that people, to improve their own talents, to get some skills, and to obtain some qualifications, that are demanded by the open positions, need some services such as education, and services like education are not equally available for all in the society. In other words, the quality of education and accordingly the improvement of talents and qualifications depend on the socio-economical conditions of a person, it depends on if he or she can afford to pay for better education or not. Thus, preventing discrimination for all, to be able to apply for those open positions on the basis of talents and qualifications is not egalitarian, since not all the people have the same sufficient level of opportunities from the beginning.

The difference principle justifies inequalities only if the inequalities work out for everyone’s advantage and worst offs benefit from these inequalities in the Rawlsian account of justice. However, any justification of inequalities is intolerable from my egalitarian standpoint. Although Rawls states that these inequalities create fair ends in the society, I claim that the difference principle reinforces inequalities in the society. It is nothing else than the masking discrepancies in the society that stem from socio-economic inequalities, as Cohen stated.

Incentives argument is a way of justification of the difference principle by offering paying incentives to scarce skilled people to work harder in the works that are less demanded. By this way, scarce skilled people will both, earn more and benefit from the situation that is beneficial for all members of the society. Cohen’s critique of incentives argument is based on the selfishness of the people. For him paying differentials for scarce talented people would lead the talented ones work less or work less productive, because what motivates the talented

ones to work more productively is higher wages that they receive for their effort. And if paying differentials for scarce talented people decrease privileges of the talented ones, in terms of their wages, they would prefer to work less productively, instead of working with the full capacity, that is not beneficial for them anymore. I agree with Cohen on this criticism and also add that incentives argument does not make the conditions of scarce talented people to the talented people equal. Instead by reinforcing their social status and conditions of life with higher wages it deepens the inequalities in the society.

Cohen's "ethos" proposition to overcome the deficiencies of the difference principle is the point that I disagree with Cohen. My egalitarian critique of Rawls falls into line with Cohen's egalitarian critique of Rawlsian egalitarian justice, till he proposes ethos. For Cohen, application of principles of justice to the institutions is not enough to make a society just, because coercive rules do not prevent the selfishness of people. He proposes an articulation of ethos that is applied to personal choices beside the principles of justice that are applied to institutions, and calls it as strict principle; which can promote a more just distribution what rules of the economic game can secure in the society for Cohen. However, designating ethos to make people willingly accept and obey the rules generated by the capitalist institutions does not bring the justice into the society in consideration with equality. Instead, as I mentioned before, inequalities are justified and reinforced in the socio-economic structure both by the difference principle and the incentives argument. Hence, Rawls's liberal egalitarian vision of a fair well-ordered society requires greater equality than it envisages.

The second account of justice examined in the thesis is Sandel's communitarian approach of justice. The most prominent feature of Sandel's account of justice is his critique of commoditized and marketized society. For him, market degrades *everything* into commodities that can be sold, and the overemphasized individual interests and preferences atomizes society. As a result of this, he claims that to stop the degeneration of the society

people should resist against the commoditization of everything. His account of justice is directly related to his criticism of market society that transformation of everything into commodities, including goods, values and some issues that need moral and ethical consideration, is a threat to social justice.

For him, the widening gap between poor and rich in the society, which is related to the socio-economic inequalities, is not only an economic problem, but also a problem that is generated by the degeneration of society under the influence of market and the atomization of the society. In other words, for him, socio-economic inequalities are not only the problems caused by economic inadequacies, but also problems caused by the modified understanding of society and social relations by the market logic. Commoditization of everything changed their meaning in the minds of people, for him. Since everything turned into commodities that can be sold and bought, values and virtues lost their meanings for people. People started to define themselves with what they buy and what they have. And the absence of these commodities created inequalities in the societies as the threat to social justice. According to him, the revival of the civic virtues is the remedy to social injustice.

Sandel does not reject the existence of inequalities in the society, but for him, inequalities are not the main reasons of social injustice. The main reason of social injustice, in his account of justice, is the marketized society that consists of atomized individuals. In this respect market society is what creates these socio-economic inequalities. Social cohesion, from his point of view, solves the problems in the society with regard to social justice, and inequalities would be no longer problems regarding social justice. Within this context, Sandel's account of justice falls short in relation between equality and justice from my egalitarian point of view that, I claim equality is in the center of the social justice, and justice requires equality.

Waiting for the revival of civic virtues and values to remedy inequalities in the society does not provide equal conditions for all that is what makes a society just. Virtues and values established by the society reproduce it, consequently reproduce inequalities that is inherent to it. At the same time, virtues and values are subjective; differ from the society to society. And, these values, virtues, religions or traditions may lead these inequalities to structure of the society that is socially cohesive. That is not acceptable from my egalitarian view.

Sen's account of justice stands for a different point of view when it is compared to other accounts of justice examined in the thesis. What makes Sen's account of justice different is his capability approach. Sen does not provide a theory of justice that presents how a just society should be; rather he presents an approach to evaluate the conditions of people in order to make their lives better. Sen's capability approach arises against the utilitarianism and resourcism, and he stated that the understandings of equality in these two schools of thought are irrelevant to overcome inequalities and to make people's life better. To do that, he first defined his own understanding of equality as "basic capabilities equality" that each person equally has the capability to attain all of the basic types of functionings. However, functionings depend on the person, and consequently, they vary. In this respect, capabilities of each person vary, that is the tool which makes one better off and able to do what he or she reasons to do.

I assert that the diversity of the functionings and the capabilities eliminates the importance of the equality in Sen's account of justice. The diversity of functionings and capabilities make comparison between people impossible that is necessary for a theory of justice that focuses on the comparability of the living conditions of the people. Sen's account of justice cannot be acceptable from an egalitarian point of view for two reasons. Firstly, it prevents the comparability of two people's living conditions. Secondly, capability approach as an evaluative tool does not bring justice society on equal standards for all; instead, capability

approach prevents people from suffering because of socio-economic inequalities by recovering their basic needs and providing basic functionings, in order to make people capable of what they reason to do. Thus, I claim that, Sen's capability approach may provide better living conditions for worse off people in any society, but does not equalize people in a just society.

In conclusion, Rawls's liberal egalitarian theory of justice, Sandel's communitarian account of justice, and Sen's capability approach fall short in the relation between equality and justice that a just society requires equality material conditions for all. In other words, any of these accounts provide a satisfactory account of relation between equality and justice with reference to the arguments defended in the thesis.

BIBLIOGRAPHY

Arneson, R. (2006). Distributive justice and basic capability equality: “good enough” is not good enough. In *Capabilities Equality Basic Issues and Problems* (pp. 17-43). Oxon, UK: Routledge.

Arneson, R. (2009). Justice is not Equality. In B. Feltham (Ed.), *Justice Equality and Constructivism: Essays on G.A. Cohen's Rescuing Justice and Equality*. West Sussex, UK: WILEY-BLACKWELL.

Arneson, R. (2006). Justice after Rawls. In J. DRYZEK, B. HONIG, & A. PHILLIPS (Eds.), *The Oxford Handbook of Political Theory* (pp. 45-64). Oxford, UK: Oxford University Press.

Anderson, E. (1999). What is the Point of Equality? *Ethics*, 109(2), 287-337.

Audard, C. (2007). John Rawls. Stocksfield, UK: Acumen Publishing Limited.

Baudrillard, J. (1998). The Consumer Society: Myths and Structures. London, England: Sage.

Cohen, J. (2003). For a Democratic Society. In *The Cambridge Companion to RAWLS* (pp. 86-138). New York, USA: Cambridge University Press.

Cohen, G. (2001). If You're an Egalitarian, How Come You're So Rich? Cambridge, Massachusetts, USA: Harvard University Press.

Cohen, G. (2011). On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy (M. Otsuka, Ed.). Oxford shire, UK: Princeton University Press.

Cohen, G. (2008). Rescuing Justice and Equality. Cambridge, Massachusetts, USA: Harvard University Press.

Cohen, G. (1989). On the Currency of Egalitarian Justice. *Ethics*, 99(4), 906-944.

Estlund, D. (1998). Liberalism Equality and Fraternity in Cohen's Critique of Rawls. *The Journal of Political Philosophy*, 6(1), 99-112

Freeman, S. (2003). John Rawls an Overview. In *The Cambridge Companion to RAWLS* (pp. 1-61). New York, USA: Cambridge University Press.

Freeman, S. (2007). Rawls. New York, USA: Routledge.

- Freeman, S. (2007). *Justice and the Social Contract*. New York, USA: OXFORD University Press.
- Kukathas, C., & Pettit, P. (1990). A Theory of Justice. In *Rawls: A Theory of Justice and Its Critics* (pp. 36-60). California, USA: Stanford University Press.
- Kukathas, C., & Pettit, P. (1990). Communitarian Critique. In *Rawls: A Theory of Justice and Its Critics* (pp. 92-118). California, USA: Stanford University Press.
- Marx, K. (2009). *Critique of the Gotha Programme*. Gloucester, UK: Dodo Press.
- Marx, K., & Milligan, M. (1988). *Economic and Philosophic Manuscripts of 1844 Karl Marx*. Amherst, New York: Prometheus Books.
- Marx, K. (1993). Critique of the Gotha Programme. In A. Ryan (Ed.), *Justice* (pp. 73-94). Oxford, UK: Oxford University Press.
- Miller, D. (1991). Recent Theories of Social Justice. *British Journal of Political Science*, 21(3), 371-391.
- Mulhall, S., & Swift, A. (1996). Sandel: The Limits of Liberalism. In *Liberals and Communitarians* (2nd ed., pp. 40-69). Oxford, UK: Blackwell Publishing.
- Mulhall, S., & Swift, A. (1996). *Liberals and Communitarians* (2nd ed.). Oxford, UK: Blackwell Publishing.
- Nagel, T. (1973). Rawls on Justice. *The Philosophical Review*, 82(2), 220-234.
- Nagel, T. (1995). *Equality and Partiality*. New York, USA: Oxford University Press.
- Nagel, T. (2003). Rawls and Liberalism. In *The Cambridge Companion to RAWLS* (pp. 62-85). New York, USA: Cambridge University Press.
- Nussbaum, M. (2006). Distributive Justice and Basic Capability Equality: “Good Enough” is not Good Enough. In *Capabilities as Fundamental Entitlements: Sen and social justice* (pp. 44-70). Oxon, UK: Routledge.
- Nussbaum, M. (2003). Capabilities as Fundamental Entitlements: Sen and Social Justice. *Feminist Economics*, 9(2 – 3), 33 – 59.

- Oyeshile, O. A. (2008). A Critique of the Maximin Principle in Rawls's Theory of Justice. *Humanity & Social Sciences Journal*, 3(1), 65-69.
- Parijs, P. (2003). Difference Principle. In *The Cambridge Companion to Rawls* (pp. 1-61). New York, USA: Cambridge University Press.
- Rawls, J. (1999). *A Theory of Justice* (Revised ed.). Cambridge, Massachusetts: The Belknap Press of Harvard University Press.
- Rawls, J. (1993). Distributive Justice. In A. Ryan (Ed.), *Justice* (pp. 73-94). Oxford, UK: Oxford University Press.
- Rawls, J. (2001). *A Theory of Justice: Justice as Fairness: A Restatement* (Revised ed.) (E. Kelly, Ed.). Cambridge, Massachusetts: The Belknap Press of Harvard University Press.
- Rawls, J. (1985). Justice as Fairness: Political not Metaphysical. *Philosophy and Public Affairs*, 14(3), 223-251.
- Rawls, J. (1993). The Law of Peoples. *Critical Inquiry*, 20(1), 36-68.
- Rawls, J. (1955). Two Concepts of Rules. *The Philosophical Review*, 64(1), 3-32.
- Rawls, J. (1997). Justice as Fairness. In R. Goodin & P. Pettit (Eds.), *Contemporary political Philosophy An Anthology* (pp. 187-202). Oxford, UK: Blackwell Publishers.
- Sandel, M. (1984). The Procedural Republic and the Unencumbered Self. *Political Theory*, 12(1), 81-96.
- Sandel, M. (2009). *Justice: What's the Right Thing to Do*. New York, USA: Farrar, Straus and Giroux.
- Sandel, M. (2012). *What Money Can't Buy: The Moral Limits of Markets*. London, England: Penguin Books.
- Sandel, M. (2003). Liberalism and Limits of Justice. In D. Matravers & J. Pike (Eds.), *Debates in Contemporary Political Philosophy* (pp. 140-159). London, England: Routledge.
- Scheffler, S. (2003). Rawls and Utilitarianism. In *The Cambridge Companion to RAWLS* (pp. 1-61). New York, USA: Cambridge University Press.

- Scheffler, S. (2006). Is the Basic structure Basic? In C. Sypnowich (Ed.), *The Egalitarian Conscience* (pp. 102-129). Oxford, UK: Oxford University Press.
- Schmidtz, D. (2006). *Elements of Justice*. Cambridge, UK: Cambridge University Press.
- Sen, A., & Foster, J. (1997). *On Economic inequality* (Expanded Edition ed.). Oxford, New York, USA: Oxford University Press.
- Sen, A. (1992). *Inequality Reexamined*. Oxford, UK: Oxford University Press.
- Sen, A. (2010). *The Idea of Justice*. London, England: Penguin Books Ltd.
- Sen, A. (1997). Equality of What? In R. Goodin & P. Pettit (Eds.), *Contemporary political Philosophy An Anthology* (pp. 476-486). Oxford, UK: Blackwell Publishers.
- Solomon, R., & Murphy, M. (Eds.). (2000). *What is Justice?* (2nd ed.). New York: Oxford University Press.
- Sypnowich, C. (Ed.). (2006). *The Egalitarian Conscience*. Oxford, UK: Oxford University Press.
- Ulbrich, H. (2011). Government in A Market System. In *Public Finance in Theory and Practice* (2nd ed., pp. 5-14). Oxon, UK: Routledge.
- Walzer, M. (1983). *Spheres of Justice*. USA: Basic Books.
- Wetherly, P., Barrow, C., & Burnham, P. (Eds.). (2008). *Class, Power and the State in Capitalist Society, Essays on Ralph Miliband*. New York: Palgrave Macmillan.
- Williams, A. (2006). Liberty, Equality, and Property. In J. DRYZEK, B. HONIG, & A. PHILLIPS (Eds.), *The Oxford Handbook of Political Theory* (pp. 488-506). Oxford, UK: Oxford University Press.
- Williams, B. (1973). The Idea of Equality. In *Problems of the Self* (pp. 230-250). Cambridge: Cambridge University Press.
- Williams, B. (1973). Morality and The Emotions. In *Problems of the Self* (pp. 230-249). Cambridge, UK: Cambridge University Press.
- Wolff, R. (1977). *Understanding Rawls*. Princeton, New Jersey, USA: Princeton University Press.